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D E B A T E S O F T H E L E G I S L A T I V E

A S S E M B L Y O F

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Volume XII

Part II

1854 - 1855

1983

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'étude du Québec
and the
Centre de recherche en histoire économique et sociale du Québec (CHE)

General Editor
Elizabeth Abbott Gibbs

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume XII, Part II
1854 - 1855

Edited by
Kathleen McManus

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE ET SOCIALE DU QUEBEC (CHE)
5255, avenue Decelles, Montréal, Québec H3T 1V6

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CENTRE D'ETUDE DU QUEBEC
Room N205-13, Sir George Williams of Concordia University
Montréal, Québec
H3G 1M8

Director: *Cameron Nish*
Associate Director: *Jean Hamelin*
Research Director: *Elizabeth Abbott Gibbs*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE ET SOCIALE
DU QUEBEC (CHE)
5255, avenue Decelles
Montréal, Québec
H3T 1V6

Directeur: *Pierre Harvey*
Directeur de la recherche: *Cameron Nish*

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*Centre de recherche en histoire économique et sociale du Québec (CHE)

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In addition to the 22 newspapers listed in the Introduction to Volume XII, Part I, brief excerpts from the following newspapers have also been used:

NEWSPAPER	DISTRICT, SECTION	LANGUAGE	POLITICAL ORIENTATION	WEEKLY DISTRIBUTION	ORIGIN OF REPORTS
OTTAWA CITIZEN	Ottawa, U.C.	English	Reform	Weekly	Original.
STANSTEAD JOURNAL	Rock Island, L.C.	English	No political affiliation	Weekly	Original.

MONDAY, 25 SEPTEMBER 1854.

(111)

BILLA FLINT, Esquire, Member for the South Riding of the County of Hastings, having previously taken the oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his Seat in the House.

Mr. Speaker laid before the House,--Return to an Order, dated the 14th day of September last, for a Return, showing from the Records of the last Elections, the number of Votes polled in each County, Riding, Township, Parish, City, Town, or other Division, for each Candidate, with the total number polled

(112)

respectively in the same; also, the total population of each of the said Divisions and sub-divisions, and the name and designation of the several Returning Officers.

For the said Return, see Appendix (N.)

Mr. Speaker reported to the House, That the Recognizance to the Petition of Joseph Laurin, Esquire, complaining of an undue Election and Return for the County of Lotbinière, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of Daniel Anderson and others, complaining of an undue Election and Return for the East Riding of the County of Brant, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of George Okill Stuart, Esquire, complaining of an undue Election and Return of Jean Blanchet, Esquire, one of the Members for the City of Quebec, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of George Okill Stuart, George Honoré Simard, and Hypolite Dubord, Esquires, complaining of an undue Election and Return for the City of Quebec, is unobjectionable.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Cauchon,--The Petition of Christian Wurtele and others, Directors of the Quebec Provident and Savings Bank.

By the Honorable Mr. Merritt,--The Petition of the Municipality of the Township of Louth; and the Petition of the President, Directors and Company of the Louth Harbour.

By Mr. Jobin,--The Petition of Henri Lappare, Notary, and Secretary to the Board of Notaries of Montreal.

By Mr. Antoine Aimé Dorion,--The Petition of Mrs. B. Delisle and other Ladies, Directresses and Officers of the Catholic Orphan Asylum of Montreal.

By Mr. Papin,--The Petition of E.L. Pacaud and others, composing the St. Maurice Bridge Company; and the Petition of E.L. Pacaud, heretofore of the Town of Three Rivers, now of the City of Montreal, Esquire, Advocate.

By Mr. Loranger,--The Petition of the Reverend C. LaRocque and others, of the County of St. Johns.

By Mr. Clarke,--The Petition of A.J. Fergusson, Esquire, of the Town of Guelph, County of Wellington.

By Mr. Darche,--The Petition of the Corporation of the College of Chambly.

By Mr. Stevenson,--The Petition of Henry Mulholland.

By Mr. Masson,--The Petition of J. Beaudet and others, of the Parish of St. Joseph and other places, in the County of Soulanges.

By Mr. Mattice,--The Petition of the Municipality of the Township of Finch.

By Mr. Daly,--The Petition of William Smith, Chairman, on behalf of himself and the other Provisional Directors of the Stratford and Huron Railway; and the Petition of the Municipality of the Village of Stratford.

By Mr. McKerlie,--The Petition of William E.N. Byers and others, of the Townships of East and West Hawkesbury.

By Mr. Cartier,--The Petition of Charles Brin and others; and the Petition of the Town Council of the Town of Bytown.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Champlain and St. Lawrence Railroad Company; praying for certain amendments to their Act of Incorporation.

Of the Montreal Section of the Bar of Lower Canada; praying for the passing of an Act to make it incumbent on the Judges of the Superior Court at Montreal.

(113)

to preside and act at the Enquête in cases of the Circuit Court of the Montreal Circuit, the same as in cases of the Superior Court.

Of the Shipton Slate Company; praying for an Act of Incorporation.

Of J.B. Bailey and others, of Plattsburg, in the State of New York, and Stockholders and Proprietors of the Plattsburg and Montreal Railroad; representing that the said Railroad was constructed in connection with the Montreal and New York Railroad, uniting at the Province line, and that the Board of the last mentioned Railroad have, without consulting them, disposed of the said last mentioned Railroad, whereby great loss must result to the Petitioners,--and praying that the same may not be confirmed.

Of the Corporation of the College of Ste. Anne de la Pocatière; praying for aid.

Of Charles Waters and others, of the Village of Vankleek Hill; of Joseph Leeming and others, of the Township of Oxford; of John Macallister and others, of the Village of Nithburg, County of Perth; of Nathan Fellows and others, of Ernesttown and Fredericksburgh; of James Shannon and others, of the Village of Ashton; of Nathan S. Coho and others, of the Township of Middleton, County of Norfolk; of Townsend Division, No. 141, of the Order of the Sons of Temperance; of Allenburyh (sic) Division, No. 164, of the Order of the Sons of Temperance; and of J.S. Lewis and others, Sons of Temperance, and others; praying for the passing of a Prohibitory Liquor Law.

Of the Municipal Council of the County of Elgin; praying for the passing of an Act to compel the County of Middlesex to sell a certain block of land in the Town of London, granted for the holding of Free Fairs, and to divide the proceeds according to population with the said County of Elgin.

Of the Municipality of the Township of Bayham; praying for the passing of an Act to incorporate the Southern Union Railway Company.

Of the Toronto Athenaeum; praying for certain amendments to their Act of Incorporation.

Of Donald Cameron and others, of the Township of Thorah, County of Ontario; praying for the passing of an Act granting to Edward Shortis a certain allowance for a Road in the said Township.

Of the Commercial Bank of the Midland District; praying for the passing of an Act to increase their Capital Stock.

Of A. Rankin, Esquire, and others; praying for an Act of Incorporation for the construction of a Hotel at the Village of Windsor.

Of William Power, Esquire, one of the Circuit Judges of Lower Canada; praying payment of his account for services rendered as Commissioner appointed for the examination of Witnesses on the trial of the contested Election of the County of Megantic, in the year 1853.

Of Matthew A. Hearn, of the City of Quebec; praying payment of his account

for services rendered as Clerk to the Commission appointed for the examination of Witnesses on the trial of the contested Election of the County of Megantic, in the year 1853.

Of John B. Warren and others, of the Village of Oshawa; representing that the Sydenham Harbour Company have failed in complying with the conditions of their Charter,--and praying that no renewal thereof may be granted to them.

Of Edwin Pridham and others, of the Counties of Argenteuil and Ottawa, and others; praying aid for the construction of a Bridge over the River Rouge, in the Township of Grenville.

Of Andrew Stuart, Esquire, and others, of Quebec; praying for an Act of Incorporation under the name of the Quebec and St. Francis Mining and Exploring Company.

Of the President and Members of the Quebec British and Canadian School Society; praying for aid.

(114)

Of the Reverend M. J. E. Chévigny and others; praying for aid in behalf of the College of St. Henri de Mascouche in the District of Montreal.

Of the Quebec Friendly Society; praying for certain amendments to their Act of Incorporation.

Of John Dillon and others, of the Townships of East Frampton, Standon, and adjacent parts, County of Dorchester; praying aid for certain public improvements in the said County.

Of the Reverend J. Fishburn, Pastor, and others, Elders and Members of the Evangelical Lutheran Church; praying that the Pastors of the said Church may be admitted to the same rights and privileges as other denominations in the solemnization of Matrimony.

Of Edward Barnard, Prothonotary and Clerk of the Crown and Circuit Court of Three Rivers; praying for an increase of salary.

Of the Municipality of the Township of Woodhouse; and of Moses C. Nickerson and others, of the Counties of Elgin and Norfolk; praying for the passing of an Act to incorporate a Company for the construction of a Railroad from Port Dover to St. Thomas.

Of Henry Bull and others; praying for an Act of Incorporation under the name of the Belleville and Midland Railway Company.

Of the Provisional Municipal Council of the County of Welland; praying that the Clergy Reserve Lands may be sold, and the proceeds appropriated to the support of Common Schools.

Of John King, M.D., late Professor of the Theory and Practice of Medicine and Clinical Medicine in the University of Toronto; representing that the original conditions on which he accepted the Professorship have from time to time been altered to his great disadvantage, and the reduction of his salary, and that he has finally been deprived thereof, whereby he has sustained great loss,--and praying relief in the premises.

Of the Corporation of the Montreal General Hospital; praying for aid.

Of the Reverend J. Harper and others, of the Parish of St. Grégoire, County of Nicolet; praying for aid in behalf of a Female Academy in the said Parish.

Of C. Claude Grece and others; complaining that the Montreal and Bytown Railway Company have obtained possession of Lands without giving any compensation therefor, to the damage of the owners of such Lands,--and praying for relief in the premises.

Of the President, Directors and Shareholders of the British North American Electric Telegraph Association; praying for the amendment and extension of their Act of Incorporation.

Of the Committee of Management of the National Schools at Quebec; praying for aid.

Of F.R. Pratte and others, of the Township of Stanfold; praying that the United Counties of Drummond and Arthabaska may be separated, and each entitled to send a Representative to Parliament.

Of Louis Pratte and others, of the Township of Stanfold; praying for certain amendments to the Municipal Law, and the consolidation of the Road Laws of Lower Canada.

Of Peter Patterson and others, of the Township of Stanfold; praying that the annual Provincial Grant for Public Education may be increased to one hundred and fifty thousand pounds.

Of Louis Richard and others, of the Township of Stanfold; praying that those persons who have settled in the Eastern Townships coming under the name of Squatters, may be protected by law in the rights they have so acquired.

Of the Vaudreuil Railway Company; praying for certain amendments to their Act of Incorporation.

(115)

Of the Grand Trunk Railway Company of Canada; praying for certain amendments to the Act relating to their Incorporation.

Of the Honorable L. Massue, and others interested in the Gomin Road, near the City of Quebec; praying for the passing of an Act to place the said Road under the management and control of the Quebec Turnpike Trust, to be macadamized.

Of the Colonization Society of L'Islet and Kamouraska for the settlement of the Saguenay; praying for aid to complete the Road forming a communication between Lake St. John, Grande Baie, and Chicoutimi.

Of Charles Smallwood, M.D., Secretary-Treasurer of the Terrebonne County Agricultural Society; praying that one-half of the Government allowance for prizes at Agricultural Exhibitions may be devoted for competition by Farmers of Canadian origin.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--First Report of the Secretary of the Board of Registration and Statistics, of the Census of the Canadas for 1851-52, Volume 1.

For the said Report, see Appendix (C.)

Also, Report of the Commissioners appointed to enquire into the cause of the Fire at the Parliament Buildings, Quebec, on the 1st February, 1854.

For the said Report, see Appendix (E.)

Also, Report of the Commissioners appointed to enquire into the origin and cause of the Fire at the Grey Nunnery, Quebec, on the 3rd of May, 1854.

For the said Report, see Appendix (E.)

Also, Annual Report of the Post Master General, for the year ended 31st March, 1853.

For the said Report, see Appendix (F.)

Also, Report of the Commissioners appointed to enquire into the conduct of the Police Authorities on the occasion of the Riot at Chalmers' Church.

For the said Report, see Appendix (G.)

Also, Lower Canada Municipal Returns required by the Act 16 Vic. cap. 163.

For the said Returns, see Appendix (K.)

The Honorable Mr. Chabot, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--The General Report of the Commissioners of Public Works, for the years 1852-53.

For the said Report, see Appendix (O.)

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, by command of the Governor General, pursuant to Addresses to His Excellency,--Return to an Address from the Legislative Assembly, dated the 7th June, 1853, praying the appointment of a Commissioner to enquire into the circumstances attending the loan of One hundred thousand pounds to the Sufferers by the Quebec Fires.

For the said Return, see Appendix (P.)

Return to an Address of the Legislative Assembly, dated the 14th September, 1854, for copies of the several appointments of Jean Blanchet, Esquire, M.P.P.,

(116)

as one of the Visiting Physicians of the Quebec Marine Hospital, and also, a detailed Statement shewing the several sums of money received by the said Jean Blanchet, Esquire, as such Visiting Physician, with the date of each payment.

For the said Return, see Appendix (Q.)

Return to an Address from the Legislative Assembly, dated 16th June last, for copies of documents relating to the purchase of a site for a Post Office in the City of Quebec.

For the said Return, see Appendix (R.)

The Honorable Mr. Chauveau also presented,--Statement shewing the amount received from the Fee Fund in each County in Upper Canada; the salaries of the Judges, and the surplus or the deficiency during the year 1853, pursuant to the directions of the Act 16 Vic. cap. 163, sec. 7.

For the said Statement, see Appendix (S.)

Copy of the Proclamation issued by His Excellency the Governor General under the provisions of the Act 12 Vic. cap. 8, relative to the Public Health; and of the Regulations adopted by the Central Board of Health in virtue of the said Act.

For the said Documents, see Appendix (T.)

Accounts of the Supervisor of Cullers for the year 1853, pursuant to the directions of the Act 8 Vic. cap. 49.

For the said Accounts, see Appendix (U.)

Ordered, That the Petition of J.B. Bailey and others, of Plattsburg, in the State of New York, and Stockholders and Proprietors of the Plattsburg and Montreal Railroad, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the said Petition be printed for the use of the Members of this House.

On motion of MR. J.S. MACDONALD¹,

(116)

Ordered, That the Petition of William Power, Esquire, one of the Circuit Judges of Lower Canada; the Petition of Matthew A. Hearn, of the City of Quebec; and the Petition of William Winder, Esquire, Librarian of this House, be referred to the Standing Committee on Contingencies.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the First Report of the said Committee; which was read, as follows:

Your Committee have examined the Petitions of the Municipality of Niagara; of the Niagara Falls Suspension Bridge Company; of William Barker and others,

of the Town of London; of the Town Council of the Town of London; of R.N. Watts and others; of the Honorable Pierre J.O. Chauveau and others, of the City of Quebec; of A. McNabb and others, of the County of Bruce; of R.H. Thornhill and others, of the Township of Bertie, County of Welland; of D. Macdonell and others, of the City of Toronto, Merchants; of the President, Directors and Company of the Port Dalhousie and Thorold Railway Company; of George S. Tiffany and others; and of the Reverend William Ritchie, of the Township of Georgina, and others, and find that the Notices have been fully given in each case.

With respect to the Petition of the Brockville and Ottawa Railway Company, praying for certain amendments to their Act of Incorporation, Your Committee find upon inquiry, that among other amendments it is proposed to empower the Company to construct a Branch to Lake Huron: Notice of this should have been

(117)

published in every County through which the proposed Branch would pass, which Your Committee find has not been done. With respect to the other amendments, Your Committee find that sufficient Notice has been given; they therefore beg leave to recommend that leave be given to proceed upon the Petition, with the exception of so much thereof as relates to the construction of a Branch to Lake Huron.

Your Committee have examined the Petition of George Southwick, Esquire, and others, for incorporation of a Company to construct a Railway from Amherstburg to the Niagara River, passing through the Counties of Essex, Kent, Elgin, Norfolk, Haldimand and Welland, and find that Notice has only been published in one of these Counties, viz. Elgin; but it appears to have been inserted in leading papers in Toronto and other parts of Upper Canada, and also in the Canada Gazette, and furthermore, the Petition is signed by the Members of Your Honorable House representing all of these Counties; under these circumstances Your Committee submit to Your Honorable House the expediency of dispensing with the usual Notices.

The Honorable Mr. Cameron reported from the Select Committee on the Bill to compel the attendance of Witnesses before the Superior Courts in any part of Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

On motion of MR. MACKENZIE²,

(117)

Ordered, That one thousand copies of the Return relative to the last Elections, which was presented this day, be printed in each of the English and French Languages, for the use of the Members of this House.

Ordered, That the Quorum of the Standing Committees on Miscellaneous Private Bills, and Standing Orders, be reduced to five Members.

Ordered, That the Petition of John King, M.D., late Professor of the Theory and Practice of Medicine and Clinical Medicine in the University of Toronto; and the Petition of C. Claude Grece and others, be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to enable the Reverend William Ritchie to sell and convey or demise certain lands

held by him in trust.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the third day of October next.

Ordered, That Mr. Roblin have leave of absence for ten days.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Toronto Exchange.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the fourth day of October next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the Quebec and Saguenay Railway Company.

(118)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the tenth day of October next.

Ordered, That Mr. Clarke have leave to bring in a Bill to authorize the sale of certain lands described as Lots numbers five and six in Division A. of the Township of Guelph, and the reinvestment of the proceeds for the object of the trust.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the fifth day of October next.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Macbeth have leave of absence for two weeks.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to extend the Act, intituled, "An Act to authorize limited Partnerships in Upper Canada" to Lower Canada.³

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

On motion of Mr. Charles Daoust, seconded by Mr. Darche,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, 1. Copies of any Report or Reports furnished by Messieurs Sirois and Burroughs, Commissioners appointed by the Board of Public Works to receive and settle the claims of persons who have suffered damage by the inundation on both sides of the River St. Lawrence and Lake St. Francis above the Beauharnois

Canal. 2. A statement of the sums paid to the said Commissioners, either as fees in that capacity, or to cover the amount of indemnity granted by them, shewing the period when they entered into office, the names of the several persons indemnified, and the amount received by such persons respectively. 3. A statement of the expenses incurred by the Government in raising the Public Highways on both sides of Lake St. Francis, both in Upper and in Lower Canada, shewing the extent of the roads so raised, the names of such persons as have received public money for that purpose, the price paid to each per yard, or per mile, and under what contracts those works, or any part of them, have been undertaken and executed.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Brown have leave to bring in a Bill to protect the Employés of the Government of this Province in certain Departments of the Pub-

(119)

lic Service, from being compelled to labor on the Lord's Day.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

MR. MACKENZIE moved for leave to bring in a bill to prescribe the mode of obtaining evidence in cases of contested elections. He contended that in cases where a person was believed to have been wrongly elected all the evidence relating to the case should be taken before the House met, before a county judge. The delays of the present system were so great that in one case the contest had not been decided in a whole Parliament.⁴

MR. COM. CR. LANDS MORIN, in French, admitted that some change was required in the election law; experience had proved this; but he doubted whether the change proposed would be an improvement. On the contrary, he looked upon the proposal as inconsistent with our institutions.⁵ He objected to the proposed change; but would not oppose the introduction of the bill.⁶

(119)

Ordered, That Mr. Mackenzie have leave to bring in a Bill to improve the mode of obtaining Evidence in cases of Controverted Elections.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixteenth day of October next.

On motion of Mr. Daly, seconded by Mr. Ferrie,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Statement in detail of the objects to which the sum of Sixty thousand pounds (or any part thereof) appropriated in the Session of 1852-3, for the opening up of the waste lands of the Province, has been appropriated.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. PATRICK moved the appointment of a Committee on Temperance.⁷

After some discussion of the question, MR. J.S. MACDONALD deprecated the appointment of a committee. Should it be consented to, the temperance people would be brought down from Upper Canada, to tell the House something about intemperance;

and this proceeding would be at the expense of the province.⁸

MR. BROWN dissented from the view of the last Speaker. He thought the committee might do a great deal of good, by ascertaining whether the Maine Law had, by its operation, proved a cure for intemperance. It was a very stringent measure and ought not to be adopted till public opinion went fully with it.⁹

MR. J. SMITH, of Victoria said the bill introduced last session was exceedingly well calculated to defeat the object it professed to promote; but so strong was the feeling that some measure of the kind was necessary that it was near being successful. He suggested that the name of Mr. Felton, who had introduced a bill on the subject, be added to the committee.¹⁰

MR. SOL. GEN. D. ROSS said the motion was for a Committee on Temperance. No information on the importance of temperance was needed. He thought the object was to obtain information on the evils of intemperance.¹¹

(119)

Mr. Patrick moved, seconded by Mr. McCann, and the Question being put, That a Select Committee on Temperance, composed of Mr. Church, Mr. Taché, Mr. Hartman, Mr. Matheson, Mr. Chapais, Mr. Sanborn, and the mover, be appointed to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided:--And it was resolved in the Affirmative.

MR. POWELL moved for an address to the Governor General for copies of correspondence relative to the transfer of the Rideau Canal from the Imperial to the Colonial Government. His attention had been directed to the subject by an item of £3,000 in the estimates of last year for the temporary maintenance of the canal. He wished to know what had been done by the government. The management was in the hands of Imperial officers, who had an expensive mode of managing. A portion of the land made valuable by the canal and upon its banks had lately been sold; and he wished to know whether the proceeds went into the Imperial or the Provincial treasury. He hoped the canal would be assumed by the Provincial government, kept open and enlarged so as to admit a larger class of vessels; and for this purpose he made this motion.¹²

The motion was carried without discussion.¹³

(119)

On motion of Mr. Powell, seconded by Mr. Murney, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he may be pleased to lay before this House, copies of all correspondence relative to the transfer of the Rideau Canal from the Imperial to the Colonial Government, not already submitted.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to promote the settlement of all Civil Actions by Arbitration in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill in relation to the solemnization of Matrimony in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. MACKENZIE moved to have a rule of the House changed, so as to have the votes of members taken in alphabetical order, and without rising. His object was to have members vote according to their own convictions, instead of having the cue from their leaders¹⁴.

(119)

Mr. Mackenzie moved, seconded by Mr. Papin, and the Question being put, That the eleventh Standing Rule of this House be amended, by adding the words "When the Yeas and Nays are ordered to be taken, the Clerk shall call the Roll of Members alphabetically and record the Votes;" the House divided: and the names being called for, they were taken down, as follow:--

(120)

YEAS.

Messieurs Brown, Casault, Church, Daly, Charles Daoust, Daple, Antoine A. Dorion, Dostaler, Ferrie, Flint, Frazer, Hartman, Jackson, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Matheson, Mattice, Merritt, Murney, Papin, Rhodes, Rolph, and Wright.--(27.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Planchet, Cameron, Carlier, Gauthier, Chabot, Chapais, Chauveau, Clarke, Cooke, Cryslar, Delong, Dionne, Attorney General Drummond, Felton, Ferres, Fortier, Freeman, Laporte, Larvill, Lamer, McCann, Masson, Meagher, Morin, Joseph C. Morrison, Munro, Patrick, Pringle, Powell, Robinson, Solicitor General Ross, James Ross, Sidney Smith, James Smith, Southwick, Stevenson, and Thibaudeau.--(41.)

So it passed in the Negative.

MR. MACKENZIE moved that the Clerk be directed to request the Managers of the different Banks to transmit certain information to the House. In bringing the subject of his motion before the House he anticipated the fact that the information that he sought from Banking Institutions was of a nature which no hon. member in that House would deem to be uncalled for. Now he thought it to be beyond dispute that a most detestable principle was adopted by the government, viz.: Allowing Banks to hold, transfer, and sell their own shares and make profits, which all the rest of society are hindered from doing. Was it acting fairly to the community? The government might, if they pleased, continue to give them this unlimited power, and he too well knew if they did what the result would be of this objectionable system. He would only refer honorable members to the system which rendered itself so odious in the State of New York some years back. It arose from the fact that Banks were allowed to do as they pleased, and the community were chiselled. Nobody could accuse him of being a party to such transactions (hear, hear,) for he could honestly say that he neither had sought office, nor had he launched into jobbing speculations like other hon. members, and, therefore, took himself to be a fair representative of public opinion in that House. He would have no hesitation to declare that the basis of their legislation, as far as he could see, was lax; and he did not see why the Banks of the country should not be called upon to show into the hands of whom this additional capital that is applied for is to go. Let the names of the stockholders be given, and such information as would develop the fact, in whose hands the stock lies. He asked for this with a spirit of candour, and why should the information not be forthcoming when it had always been given before?¹⁵

MR. COM. CR. LANDS MORIN did not consider that there was any ground for calling for it.¹⁶

MR. MACKENZIE.--What novelty was he (Mr. Mackenzie) introducing?--none. When bills were ready to be brought in instantly for the purpose of giving Banks vast power over the people of the country, and endowing them with the means of controlling elections, he would ask what was there impertinent, as one hon. member had called it, to demand that which honesty required? He was afraid, however, that this banking business was turning out to be a pretty bad business. Mr. Hincks, in the appointed Committee of 1841, said that the Companies should not hold shares in their own stock, and here the government would give the Quebec Bank that power of not only holding them but peddling them away. The like of that would end in difficulty and misery to the country. Were they to give to a set of men in Montreal advantages which the community in other parts did not enjoy? He did suppose that the information would be refused by the opposite side, but at the same time he would ask for it.¹⁷

MR. COM. CR. LANDS MORIN.--Without making a prima facie case of the existence of some abuse in the affairs of these Institutions, the hon. member for Haldimand had no ground to ask who were the proprietors of shares in the Banks, any more than who are the proprietors of commercial goods. If the House thought that such information ought to be obtained, without any just reason being given therefor, they were welcome to it. His own opinion would be, that they had no right to call for it. Mention had been made of what was done in 1841. There were then causes for having such information which did not now exist.¹⁸

[MR. MACKENZIE].--Several of the banks were asking amendments to their charters, to increase their capital stock; at the same time that we have a general banking law by compliance with which they can increase their capital. The House had a right to know who those persons were seeking these privileges, that the extent of their responsibility may be known. Such returns had before been asked and given; and the Bank of Montreal publishes a list of their stockholders to show their respectability.¹⁹ [Il] lit les noms de quelques actionnaires de la banque de Montréal, dont il tient une liste entre les mains, et prétend qu'aucune banque ne refusera de donner les renseignements qu'il demande. Si une banque le faisait, cela serait une preuve qu'elle avait honte de ses actionnaires--qu'elle n'était pas dans un état à mériter la confiance publique.²⁰

MR. COM. CR. LANDS MORIN.--But this was not a matter for legislation.²¹ This was not a return that the government had any interest in giving or withholding.²² Let not the hon. member mix up "Government" with what he said as an individual member of it. Principles of liberty and honor they should all maintain. The objection that he would have, would be, giving the names, because it might lead to inquisitiveness which it was not the province of a Legislative body to be guilty of, and he thought that the motion made by the hon. member, he must oppose, not upon Government grounds, but individual.²³

MR. CAMERON could not understand the principle upon which the hon. member had asked for the information. He had made out no case of abuse, unless it was the intimations which he generally threw out in his statements made to the House (laughter.) He (Mr. C.) did not believe that any of these Banks held the stock themselves. If the legislature, during the last session, chose to grant that power to the Quebec Bank, it did not apply to the Bank of Upper Canada, and he did not believe that there was a single bank in Upper Canada which trafficked in it. The simple ground made by the hon. member for

Haldimand was, that these institutions were coming before the legislature to ask for an increased charter. Legislatures were in the habit of granting charters because they thought that the necessities of the institutions required a larger amount of capital, or if not, they refused them. The hon. gentleman had not come before them with any petition in his hands complaining of any wrong having been done by these banks to anybody, or had come with a statement of the stockholders shewing that the banks trafficked in their stock: and the member for Haldimand had said, thank God, that he never owned a share in his life.²⁴

MR. MACKENZIE had said that he did not hold one now.²⁵

MR. CAMERON.--The hon. member did not come there with quite clean hands, but the House well knew that this attack, was a specimen of that guerilla warfare which this hon. member always made,--a kind of general attack without any ground shewn--he simply dealt in these attacks for the mere sake of making them--and he claims to prosecute them ... because of the application of the Banks to have their stock increased. He (Mr. C.) supposed the hon. member to advance this proposition that when banks demanded their new charters, and had increased stock, an opportunity ought to be given to every one to come forward and get that stock, at par²⁶. He ridiculed the idea of giving new stock to the general public to allow individuals who never held any stock before to take it at par and perhaps without paying a shilling upon it sell it at a premium of twelve or fifteen per cent. to the exclusion of those whose money and enterprise had made it valuable. He did not understand this kind of commercial morality.²⁷ He would assert without fear of contradiction, that the Banks of Upper Canada hold a high position, not only upon this North American Continent, but all over the world; and that during the time of distress they always kept themselves in such a position that no man could say one word intimating that they had not carried on their affairs in an honest manner. Every one had up to the present time the greatest confidence in them. Mischievous interference with their affairs was what the honorable member for Haldimand wanted. (Mr. C. alluded to a statement made by Mr. M. relative to Sir Allan McNab, and in a satirical manner adverted to the honorable member for H's head being a lumber room, &c., &c., from which he periodically discharged its contents.)²⁸ If the legislature had acted tyrannically, as the member for Haldimand boasted in the case of Sir Allan Macnab, whom it sent to prison for refusing to answer certain questions, that was no reason why the House should act so now. The member for Haldimand, on a previous day, threw out a threat that if the banks refused to give the information he asked, a vote of this House would bring the managers to bar and put them into prison. He thought the banks, under such a threat, might make out a good case for refusing compliance, by saying that the Legislature had granted them charters requiring them to give certain information, and that they ought not now to be asked for something beyond that.²⁹ Legislative charters granted to corporations must be respected, and if those corporate bodies comply with the requirements of the House they cannot be compelled to do more by threats of the House.³⁰

MR. MACKENZIE.--No threats were necessary.--Who knew what the bills which the Banks had discounted were worth?--They might be only nominal vests. Was there any vest in the Bank of Upper Canada when its stock was 30 per cent. below par, and yet they were dividing small profits.³¹ In 1841, as now, when Bank Charters were to be amended, the information which he sought was asked and obtained.³²

MR. AT. GEN. DRUMMOND: Could understand perfectly well, that when the government have in contemplation a great change in the Banking system that it might call forth such observations as had fallen from the Hon. Member for H. But without there being anything brought forward to show, that the Charters had been violated, no reason existed for granting the application, the President and Directors of the Institutions, were bound to do certain things, and if the Honorable Member for H. had shewn that any one of these Institutions had failed to perform the duties incumbent upon them by this Charter, then the government would assent, but this country was put to numerous expences every day by these kind[s] of motions which tended to accumulate upon the table a great number of documents which are never afterwards taken up by the mover. It was well known that the Gentleman (the mover) was a great enemy to Banking Institutions. He trusted however, that some of the honorable gentleman (sic) would move to form a Committee to enquire into the amount of expence entailed upon this country annually by Gentlemen getting up in the House, and moving for particular returns. There it would become known throughout the country, who were the people desirous of saving the country from expence, and, whoever not. There were not in the House any honorable gentlemen who had entailed upon the country so much unnecessary expence as the honorable member for Haldimand had.³³ He (Mr. D.) could understand how it was that such returns as these were called for in the time of Lord Sydenham, when a charge (sic) in the entire system of banking was contemplated; but in the present case³⁴, it amounted to nothing less than an act of impertinence to call for these returns without shewing some object in view. He would therefore vote against the motion.³⁵

MR. LORANGER did not see any reason why the Honorable Member demanded the information. The Legislature had no right to order it to be given.³⁶

MR. J.S. MACDONALD.--Advocated the object of any Honorable Member in the House asking for it if he considered it to be satisfactory to his constituents (sic), or beneficial to the country. The Honorable Member for Haldimand thought it to be his duty to require this information. (He then proceeded to complement Mr. Mackenzie for his perseverance in the performance of his Parliamentary duties.) Mr. Mackenzie had his eccentricities and his faults, but, if he had, he was justified in asking for information which he thought would expose the transanctions (sic) which that Honorable Gentleman believed to be wrong.³⁷ He read from the Free Banking Act a requirement that the names of the stockholders be exposed in the banking house. He was in favor of the motion; and he did not believe the banks would refuse the information; but he did not agree with the member for Haldimand that we have power to bring the president and cashier of the banks to the bar of the House if they refused. The government must take the responsibility of refusing the information, for he felt certain that the banks had no desire to withhold it.³⁸

MR. ROBINSON referred to the requirement quoted by Mr. Macdonald from the Free Banking Law, and said no such thing was to be found in any other bank charters. Information as to the affairs of the banks should be confined to what their charter required them to give.³⁹ If the Honorable Member for H. would show any reason for calling for the information, he would vote for the motion. But what had they to do with the matter. He was against the motion.⁴⁰

MR. BROWN said the hon. gentleman who had just spoken was connected with a company into whose charter there might be some reason to enquire.⁴¹ [He] was not surprised at the part taken by the last honorable gentleman, being

connected as he was with the Canada Company, the affairs of which institution would no doubt be called into question by this House before long. He (Mr. B.) thought that the part taken by the government was absurd to say that you can ask nothing more of these institutions than what is contained in their charter. The Banks in his opinion instead of resisting the demand would willingly accede to it. Nothing would tend more to establish public confidence in these institutions, than by their producing the information required. There were applications before the House to give extended capital to four or five of the leading Banks of the country, and it was a matter of great importance to know who are the parties who hold this stock, and whether it is held by parties in this country or in England.⁴² The House had a right to the information, in order that it might be seen how safe the Banks were; and it was perfectly absurd to say that the House had no right to ask for the information in question.⁴³

MR. FERRES would not vote for the motion, simply because he could not learn what use was intended to be made of the returns. He did not see what use the House, in legislating for the banks, could make of the list of stockholders. He did not think the banks could be compelled to make the return.⁴⁴

(120)

Mr. Mackenzie moved, seconded by Mr. Frazer, and the Question being put, That the Clerk do request the Managers of the different Banks in Canada to transmit, for the information of this House, a Statement shewing the name of every Shareholder in such Bank, his, her, or their place of residence, and the amount of Stock the Shareholders severally hold, distinguishing, where it is possible, the holders of new Stock granted under Statutes passed in the two last Parliaments; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Church, Cooke, Daly, Charles Daoust, Darche, Delong, Ferrie, Frazer, Freeman, Hartman, Jobin, Lumsden, John S. Macdonald, Rodk. McDonald, Mackenzie, Papin, Rolph, Scatcherd, and Wright.--(22.)

NAYS.

Messieurs Alleyn, Blanchet, Bureau, Cameron, Cartier, Casault, Cauchon, Chabot, Chapais, Clarke, Crysler, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Felton, Ferres, Flint, Fortier, Huot, Jackson, Laporte, Larwill, Lemieux, Loranger, McCann, McKerlie, Marchildon, Masson, Mattice, Meagher, Morin, Joseph C. Morrison, Munro, Murney, Patrick, Powell, Prévost, Rhodes, Robinson, Solicitor General Ross, Sidney Smith, Southwick, Taché, and Thibaudeau.--(46.)

So it passed in the Negative.

(121)

Ordered, That the General Report of the Commissioners of Public Works, for the year 1852-3, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to exempt the tools or implements of any Debtor's trade or calling, and the wearing apparel, the bedding, and other furniture necessary for the use of his family, from seizure and sale under execution for debt, being read;

MR. MACKENZIE moved the second reading of a bill to exempt mechanics' tools, bedding, &c., from seizure.⁴⁵ The principle of this bill was assented to the other evening on a motion of its second reading, and the question now

arose of referring it to a committee. Mr. Mackenzie desired a committee of the whole but the sense of the House seemed to be against that. He again said that the principle of the bill was of the greatest public importance⁴⁶. They had legislated enough for the rich man, and ... it was now time to legislate a little for the poor man.⁴⁷ In all the States of the union, laws similar in principle were in force; and in New York the legislature went farther than he proposed to go.⁴⁸ The principle of his bill ... was founded in justice and mercy. A poor woman might have a drunken husband, who might get in debt, and it be utter ruin if all the bedding and tools were seized--while if they were not the man might reform and pay his debts, and become a respectable member of society.⁴⁹ What is a bank, exclaimed the hon. member, compared with the humblest of God's creatures living in a ... hovel? What are a thousand banks compared with the welfare of God's creatures?⁵⁰

MR. PROV. SEC. CHAUVEAU and MR. AT. GEN. DRUMMOND approved of the principle of the bill.⁵¹

MR. O'FARRELL désire que quelques membre[s] du Bas-Canada de la profession de la loi, soient nommés au comité⁵². There was a law in Lower Canada similar in principle to that which the hon. member now proposed to enact; and a law that he (Mr. O'F.) thought more just in its provisions. It permitted the seizure of mechanic's tools in payment of debt contracted for their purchase.⁵³ Il croît que la loi maintenant proposée fera tort aux pauvres en les privant des moyens de se procurer des outils.⁵⁴

MR. FELTON urged Mr. Mackenzie to withdraw this bill and connect it with a homestead exemption law. The two things were a part of the same principle, and to connect them would be the more straightforward course.⁵⁵ Il sait que l'hon. membre veut étendre l'exemption jusque là, mais il croît que la meilleur[e] manière de le faire serait d'embrasser les deux exemptions dans la (sic) même bill.⁵⁶ He doubted the honesty of trying to get one passed through the House by a side wind, under the impression that the House might reject the other.⁵⁷

MR. MACKENZIE would not take the course suggested. The two things were not the same, and would affect quite a different class of persons. He would not do anything to endanger his bill.⁵⁸

MR. COM. PUB. WORKS CHABOT, tout en approuvant le principe de l'exemption, s'oppose à quelques uns de ses détails.⁵⁹ [He] said a few words against the provisions of the bill.⁶⁰

(121)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Mackenzie, the Honorable Mr. Cameron, Mr. Frazer, Mr. Brown, the Honorable Mr. Young, Mr. Hartman, Mr. Roderick McDonald, Mr. Cartier, and Mr. Papin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the criminal Law of Canada, being read;

MR. CAMERON moved the second reading of this bill with a view of referring it to a select committee. As he intended to refer it to a select committee[e], the necessity of present discussion would be precluded.⁶¹

While the above motion was before the House, MR. AT. GEN. DRUMMOND rose and said that he had some information to give the House in reference to the

Reciprocity Treaty. He regretted to say that the United States authorities had refused to accede to a request of the Canadian Government to have the treaty brought [into] immediate effect between Canada and the United States. He would state to the House what had passed. The Canadian Government telegraphed on Saturday last to Mr. Secretary Marcy to this effect:--That the act confirming the Reciprocity Treaty was sanctioned on that day by the Governor, and asking if it could be put into effect so far as related to an interchange of products between the United States and Canada. Further stating that the Canadian Government would at once issue departmental orders if the ... United States Government would do the same. In answer to [which] he (Mr. D.) regretted to say that he had a telegraphic despatch from Mr. Marcy in the negative.⁶² The reply was dated on Saturday, but had not been received till this afternoon.⁶³ This despatch the hon. member read as follows:--"The Tariff law of the United States cannot be suspended until legislation is had by the Parliaments of Great Britain and the four colonies." He (Mr. D.) did not however despair of departmental action yet been (sic) taken by the United States, and negotiations would be opened with that view.⁶⁴

MR. A. DORION thought it very strange that the Attorney General should regret that the President of the United States would not set aside a positive law of Congress which provided that the Reciprocity Treaty should not have force until after legislation by Great Britain and all the Colonies affected. He thought the hurry of the Attorney General quite unnecessary.⁶⁵ The Hon. Attorney General affected to have received the reply which he had just read with surprise, but he must have known, from reading the Act of Congress by which the American Executive had to be guided, that no other course could be taken; and yet, in the face of that act, he had held out expectations that the treaty would come into immediate operation, misleading the public, and inducing persons to make arrangements on the strength of a contingency that could not occur.⁶⁶

MR. AT. GEN. DRUMMOND knew as well as the hon. members what the terms of the American act were; but perhaps the hon. member might have heard in his life of such a thing as executive action. (Hear, hear.)⁶⁷

MR. A. DORION did not think it at all necessary to express any surprise.⁶⁸

MR. J.S. MACDONALD said this was a very important matter; and the House was entitled to some explanation regarding it. The Government had held out an expectation to the people of Upper Canada that this treaty would go into immediate operation;⁶⁹ the Attorney General had raised false hopes in the country by his hurry and fulsome speech the other evening.⁷⁰ [He] had stated ... that large quantities of lumber and produce were awaiting the treaty coming into force for shipment, and the Reciprocity Bill was hurried through under the expectation held out that the treaty would come into immediate (sic) operation.⁷¹ By raising those false hopes he had caused parties to make expenditure in view of the immediate operation of the treaty that would cause them loss and disappointment.⁷² La harangue flatteuse ... du procureur-général, était très propre à tromper les cultivateurs et marchands du pays, et à les faire acheter des grains et autres produits dans l'espérance de les vendre à un haut prix.⁷³ Persons excited by the expectation held out, had engaged shipping and made other arrangements for immediately sending produce into the United States; but now it seems that the treaty was a dead letter--that it cannot go into operation till legislation takes place in England and the Lower Provinces. He would like to know if the Government had any information as to the probable action of the Lower Provinces?⁷⁴

MR. AT. GEN. DRUMMOND alleged that he had raised no false hopes; nor used unnecessary speed.⁷⁵ The other night he gave all the information the government was in possession of regarding the meeting of the Legislatures of the Lower Provinces; but he would repeat it for the information of the hon. member for Glengary, who could not have been in the House at the time. As he had stated upon that occasion, it was expected that our action upon the subject, if prompt, would influence that of some of the Lower Provinces⁷⁶. The Legislature of Prince Edward's Island met on the 26th instant, and it was desirable to have immediate action on the part of all the Colonies which would be a good influence by the example of Canada.⁷⁷ He contended that, solely on that account, and without reference to the United States, we were justified in proceeding with the promptness with which the Reciprocity Bill had been carried. As to what the hon. member for Montreal said about the meaning of the Act of Congress, nobody disputed it, and he (Mr. D.) never for a moment held out any other view, that, accordingly to the strict letter of the law the American Government could not do otherwise than it had done; but he did expect that it would act in that liberal spirit in which Britain had acted in admitting the Americans to a participation of the fisheries, and this Province had thrown open to them the St. Lawrence.⁷⁸

MR. CAMERON did not think that any blame could be attached to the Government for endeavouring to obtain executive (sic) action from the American authorities.⁷⁹ There had been reason to expect that the Americans would allow the treaty to go into operation as regarded each Province, so soon as the necessary legislation was perfected⁸⁰. It would be remembered that in the case of⁸¹ the bonding and warehousing act,⁸² allowing goods to pass through the States free of duty,⁸³ executive discretion, had been used to bring it into force, notwithstanding its containing a flaw that would, without the exercise of that discretion have prevented its going into operation.⁸⁴

MR. A. DORION fait remarquer qu'il y a une grande différence entre les deux cas. Dans l'un l'opération de la loi n'était retardée que par une erreur cléricale. Dans l'autre, actuellement sous considération, il s'agit d'une chose très matérielle, car il est certain que les Américains nous ont accordé le traité non pas pour avoir le libre commerce avec le Canada, mais pour avoir la liberté de pêcher.⁸⁵

(121)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, the Honorable Mr. Attorney General Drummond, Mr. Felton, Mr. Laberge, the Honorable John Sandfield Macdonald, Mr. Freeman, and Mr. Joseph Curran Morrison, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the Acts to secure the Independence of Members of the Legislative Assembly, being read; Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Toronto Esplanade Act, being read;

Ordered, That the Bill be read a second time on Thursday next.

Ordered, That Mr. Rankin have leave of absence for two weeks, from this date.

Then, on motion of the Honorable Mr. Cameron, seconded by Mr. Brown, The House adjourned.

APPENDIX: 25 SEPTEMBER 1854.

[NOTICE OF MOTION RE: MEGANTIC MINING COMPANY BILL.]

MR. SOL. GEN. D. ROSS [gave notice that] on Wednesday next [he would move for leave to introduce a] Bill to incorporate the Megantic Mining Company.⁸⁶

[NOTICE OF MOTION RE: BILL TO SECURE ANNUAL ASSEMBLING OF PARLIAMENT.]

MR. BROWN [gave notice that] on Tuesday next [he would move for leave to introduce a] Bill to secure the annual assembling of Parliament at a stated period of the year.⁸⁷

[NOTICE OF MOTION RE: BILL TO ABOLISH RECTORIES.]

MR. BROWN [gave notice that] on Tuesday next [he would move for leave to introduce a] Bill for the abolition of the Rectories.⁸⁸

[NOTICE OF MOTION RE: BILL TO ABOLISH PECUNIARY QUALIFICATION FOR ASSEMBLY MEMBERS.]

MR. MACKENZIE [gave notice that] on Monday next [he would move for leave to introduce a] Bill to do away with the £500 Sterling pecuniary qualification which now narrows the people's rights to choose freely their representatives in Assembly.⁸⁹

[NOTICE OF MOTION RE: QUEBEC CITY ORDINANCES AMENDMENT BILL.]

MR. ALLEYN [gave notice that] on Wednesday next [he would move for leave to introduce a] Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample power in the Corporation of the said City and Town.⁹⁰

[NOTICE OF MOTION RE: BILL FOR THE ELECTION OF LOWER CANADA JURORS BY MUNICIPAL COUNCILS.]

MR. FELTON [donne avis que] vendredi prochain [il demandera la permission de présenter un] Bill pour abroger les actes réglant la nomination des jurés dans le Bas-Canada, et pour voir à l'élection de jurés par les conseils municipaux.⁹¹

[NOTICE OF MOTION RE: ENLARGEMENT OF GRENVILLE CANAL.]

MR. POWELL ... gave notice that he should move for the enlargement of the Grenville Canal.⁹²

[NOTICE OF MOTION RE: RETRENCHMENT INSTRUCTION TO PUBLIC ACCOUNTS COMMITTEE.]

MR. MACKENZIE [gave notice that] on Wednesday next [he would move] That the Standing Committee on Public Accounts be instructed to enquire and report to the House from time to time, any measures which in their judgment may appear to be calculated to introduce a greater degree of economy and retrenchment into the public expenditure without detriment to the public service, and also to consider and report whether any and if any, what further checks and regulations may be proper to adopt with a view to establishing an effec-

tive control upon all charges incurred in the receipt, custody, and application of the public revenue or any part thereof.⁹³

[NOTICE OF MOTION RE: TIME LIMIT ON SPEECHES.]

MR. THIBAUDEAU [donne avis que] lundi prochain [il] proposera que pour le reste de la session aucun membre n'aura le droit de parler plus de trois quarts d'heure sur la même question.⁹⁴

[QUESTION AND ANSWER RE: CAPITAL PUNISHMENT.]

MR. C. DAOUST, de Beauharnais [demanda] si c'était l'intention du ministère de modifier les lois criminelles du Canada de manière à abolir la peine de mort.⁹⁵

MR. AT. GEN. DRUMMOND said the question was one which could not be answered in the absence of a portion of the ministry; the subject being one which they had not had an opportunity to discuss⁹⁶. Il pourrait, comme particulier, dire ce qu'il pensait de cette question; son opinion était arrêtée là-dessus. Mais il croyait que cette opinion serait opposée à celle de la majorité de la Chambre.⁹⁷ He suspected that the opinion of some of his Upper Canada colleagues, on the subject did not agree with his.⁹⁸

[QUESTION AND ANSWER RE: LAND ACT OF 1853.]

MR. MCCANN [asked a question.]⁹⁹

MR. COM. CR. LANDS MORIN ... stated that it was not the intention of the ministry to submit any measure, during the present session, to alter the Land Act of 1853; but that if any private member made any suggestions they would be taken into consideration.¹⁰⁰

[WITHDRAWN MOTION: REPEAL OF UNION.]

MR. MARCHILDON moved a resolution to repeal the union, but withdrew it amid loud laughter.¹⁰¹

[POSTPONED MOTION: RONDEAU HARBOUR PURCHASE.]

MR. LARWILL moved for all papers connected with the purchase and sale of the Rondeau.¹⁰²

MR. COM. CR. LANDS MORIN explained that he was not till now aware that the motion was different from one of the member for Haldimand; and for that reason he was not informed on the subject.¹⁰³

[The motion was] deferred till to-morrow.¹⁰⁴

FOOTNOTES: 25 SEPTEMBER 1854.

1. QUEBEC GAZETTE, 28 September 1854.
2. MORNING CHRONICLE, 27 September 1854.
3. The Telegraph (MORNING CHRONICLE, 26 September 1854), states that Mr. Bellingham introduced this Bill.
4. TORONTO LEADER (in Scrapbook Hansard).
5. IBID.
6. Telegraph (MORNING CHRONICLE, 26 September 1854).
7. PORT HOPE GUIDE, 7 October 1854.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. TORONTO LEADER (in Scrapbook Hansard).
13. IBID.
14. MONTREAL TRANSCRIPT, 27 September 1854.
15. MORNING CHRONICLE, 27 September 1854.
16. IBID.
17. IBID.
18. IBID.
19. PORT HOPE GUIDE, 7 October 1854.
20. LE PAYS, 28 September 1854.
21. MORNING CHRONICLE, 27 September 1854.
22. PORT HOPE GUIDE, 7 October 1854.
23. MONTREAL GAZETTE, 29 September 1854.
24. MORNING CHRONICLE, 27 September 1854.
25. IBID.
26. MONTREAL GAZETTE, 29 September 1854.
27. PORT HOPE GUIDE, 7 October 1854.
28. NORTH AMERICAN, 4 October 1854.
29. PORT HOPE GUIDE, 7 October 1854.
30. MORNING CHRONICLE, 27 September 1854.
31. IBID.
32. PORT HOPE GUIDE, 7 October 1854.
33. MORNING CHRONICLE, 27 September 1854.
34. PORT HOPE GUIDE, 7 October 1854.
35. MORNING CHRONICLE, 27 September 1854.
36. IBID.
37. IBID.
38. PORT HOPE GUIDE, 7 October 1854.
39. IBID.
40. MORNING CHRONICLE, 27 September 1854.
41. PORT HOPE GUIDE, 7 October 1854.
42. NORTH AMERICAN, 4 October 1854.
43. PORT HOPE GUIDE, 7 October 1854.
44. IBID.
45. MORNING CHRONICLE, 26 September 1854.
46. MORNING CHRONICLE, 27 September 1854.
47. MORNING CHRONICLE, 26 September 1854.
48. MORNING CHRONICLE, 27 September 1854.
49. MORNING CHRONICLE, 26 September 1854.
50. MORNING CHRONICLE, 27 September 1854.

51. MORNING CHRONICLE, 26 September 1854.
52. LE PAYS, 28 September 1854.
53. MORNING CHRONICLE, 27 September 1854.
54. LE PAYS, 28 September 1854.
55. MORNING CHRONICLE, 27 September 1854.
56. LE PAYS, 28 September 1854.
57. MORNING CHRONICLE, 27 September 1854.
58. IBID.
59. LE PAYS, 28 September 1854.
60. MORNING CHRONICLE, 27 September 1854.
61. PORT HOPE GUIDE, 7 October 1854.
62. MORNING CHRONICLE, 27 September 1854.
63. PORT HOPE GUIDE, 7 October 1854.
64. MORNING CHRONICLE, 27 September 1854.
65. IBID.
66. PORT HOPE GUIDE, 7 October 1854.
67. MORNING CHRONICLE, 27 September 1854.
68. MONTREAL GAZETTE, 29 September 1854.
69. PORT HOPE GUIDE, 7 October 1854.
70. MORNING CHRONICLE, 27 September 1854.
71. PORT HOPE GUIDE, 7 October 1854.
72. MORNING CHRONICLE, 27 September 1854.
73. LE PAYS, 28 September 1854.
74. PORT HOPE GUIDE, 7 October 1854.
75. MORNING CHRONICLE, 27 September 1854.
76. PORT HOPE GUIDE, 7 October 1854.
77. MORNING CHRONICLE, 27 September 1854.
78. PORT HOPE GUIDE, 7 October 1854.
79. MORNING CHRONICLE, 27 September 1854.
80. PORT HOPE GUIDE, 7 October 1854.
81. MORNING CHRONICLE, 27 September 1854.
82. PORT HOPE GUIDE, 7 October 1854.
83. MORNING CHRONICLE, 27 September 1854.
84. PORT HOPE GUIDE, 7 October 1854.
85. LE PAYS, 28 September 1854. MORNING CHRONICLE, 27 September 1854, states:
"Here the conversation dropped and the House adjourned."
86. QUEBEC GAZETTE, 28 September 1854.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. LE PAYS, 30 September 1854.
92. Telegraph (MORNING CHRONICLE, 26 September 1854).
93. QUEBEC GAZETTE, 28 September 1854.
94. LE PAYS, 30 September 1854.
95. LE PAYS, 28 September 1854.
96. PORT HOPE GUIDE, 7 October 1854.
97. LE PAYS, 28 September 1854.
98. PORT HOPE GUIDE, 7 October 1854.
99. TORONTO LEADER (in Scrapbook Hansard).
100. IBID.
101. Telegraph (MORNING CHRONICLE, 26 September 1854).
102. PORT HOPE GUIDE, 7 October 1854.
103. IBID.
104. IBID.

TUESDAY, 26 SEPTEMBER 1854.

(121)

MR. SPEAKER communicated to the House the following Letter:--

Clerk's Office, Legislative Assembly,
Quebec, 22nd September, 1854.

Sir,--The increase recently effected in the Representation of the Province, by the addition of forty-six to the number of Members of the Legislative Assembly, has necessarily increased to a great extent the duties and responsibility which devolve on the Clerk and Clerk Assistant of the House. The necessity for additional assistance at the Clerk's Table has already been strongly felt; and as the labours of the Session will be unusually arduous, and the state of Mr. Faribault's health will not admit of his giving to the performance of his duties during the long sittings of the House, that attention he has always been anxious to afford, I would respectfully urge the appointment (with the approbation of yourself and

(122)

the House) of a second Clerk Assistant conversant in the French and English languages, to attend at the Clerk's Table.

I have the honor to be, Sir,

Your most obedient humble Servant,

Wm. B. Lindsay,

Clerk, Legislative Assembly.

To the Honorable the Speaker
of the Legislative Assembly.

Mr. Speaker laid before the House,--Statement respecting the Jesuits' Estates, furnished pursuant to the directions of the Act. 16 Vic. cap. 163, sec. 5.

For the said Statement, see Appendix (V.)

Mr. Speaker acquainted the House, That his new Warrant for the appointment of Members to serve on the General Committee of Elections, was upon the Table:--And the said Warrant was read, as followeth:--

In consequence of the disapproval by the House of one of the Members named in a former Warrant, I hereby, pursuant to the thirty-first Section of "The Election Petitions Act of 1851," appoint the Honorable William Hamilton Merritt, Member for the County of Lincoln; Antoine Polette, Esquire, Member for the Town of Three Rivers; John Langton, Esquire, Member for the County of Peterborough; John Sewall (sic) Sanborn, Esquire, Member for the County of Compton; Joseph Curran Morrison, Esquire, Member for the Town of Niagara; and the Honorable John Sandfield Macdonald,¹ Member for the County of Glengarry, to be Members of the General Committee of Elections for the present Session.

Given under my hand, this twenty-sixth day of September, 1854.

L.V. Sicotte, Speaker, L.A.

Ordered, That the said Warrant be printed.

Mr. Speaker reported to the House, That the Recognizance to the Petition of John Greaves Clapham, Esquire, complaining of an undue Election and Return for the County of Megantic, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of Thomas Devaney and others, complaining of an undue Election and Return for the County of Megantic, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of Benjamin Seymour, Esquire, and others, complaining of an undue Election and Return for the County of Lenox and Addington, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition

of Luc Letellier, Esquire, complaining of an undue Election and Return for the County of Kamouraska, is unobjectionable.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bell,--The Petition of Lanark Division, No. 409, of the Order of the Sons of Temperance.

By Mr. Pouliot,--The Petition of the Reverend N.C. Fortier and others, the Founders of the College of St. Michel.

By Mr. Southwick,--The Petition of Thomas Jenkins and others, of the Village of Vienna, County of Elgin.

Ordered, That the Petition of the Reverend L.H. Brassard and others, of the Parish of Longueuil; and the Petition of John Dillon and others, of the Townships of East Frampton, Standon, and adjacent parts, County of Dorchester, be printed for the use of the Members of this House.

(123)

Ordered, That Mr. Crawford have leave to bring in a Bill to amend the Act incorporating the Brockville and Ottawa Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Brown have leave to bring in a Bill to secure the more convenient assembling of the Provincial Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

On motion of Mr. Brown, seconded by Mr. Hartman,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all Correspondence that may have passed between the Provincial Government and other parties, on the subject of the proposed Normal School for Lower Canada.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Larwill, seconded by Mr. Mackenzie,

Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of all papers and documents connected with the sale and purchase of the Rondeau Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Langton, seconded by Mr. James Smith,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Act of the Imperial Parliament empowering the Provincial Legislature to alter the distribution of Clergy Reserves; also, a Return of all persons who were receiving any income or allowance from the Clergy Reserves Fund at the date of the passing of the said Imperial Act, and who may still be receiving such allowance, specifying their names, ages, the annual amounts of their allowance, and through whom it is paid; and also, a Return of all incorporated Bodies receiving aid from the same Fund, specifying the annual amount, and the date and terms of the original grant.

Ordered, That the said Address be presented to His Excellency the Governor

General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. LANGTON moved that the hon. Mr. Morin, the hon. Mr. Rolph, the hon. Mr. Cameron, Mr. Valois, Mr. Galt, Mr. Fergusson and the mover, be a committee to report to this House the best means of making public the valuable information already obtained by the Geological survey, and of completing it at an early period upon an uniform system. The object of the motion was two fold; first to lay before the public all the information in regard to the Geological survey, and secondly to devise some plan of printing the reports of the survey upon one uniform system.²

CAPT. RHODES said the matter was one of great importance. He was much impressed with this when he saw the great Exhibition, he hoped the matter would be pursued.³

MR. AT. GEN. DRUMMOND spoke of the importance of the survey; and the impossibility of a small staff surveying the whole country from the Atlantic to the Pacific, in a few years. He expressed an opinion in favor of publishing the geological maps piece-meal, as the work goes on, and not waiting till the survey is completed before a map of any portion of it be placed before the public. He referred to several instances as practical illustrations of the benefits which the survey has conferred upon the country.⁴

MR. LANGTON expressed a similar opinion with regard to the publication of the map. He thought it desirable to rearrange (sic) the information so contained in the previous reports of the survey and have all the information relating to a particular part of the country so placed that reference to it would be easy.⁵

(123)

Resolved, That a Select Committee, composed of Mr. Langton, the Honorable Mr. Morin, the Honorable Mr. Rolph, the Honorable Mr. Cameron, Mr. Valois, Mr. Rhodes, Mr. Fergusson, Mr. Bell, and Mr. Taché, be appointed to report to this House the best means of making public the valuable information already obtained by the Geological Survey, and of completing it at an early period upon an uniform system.

Ordered, That the Public Accounts of the Province of Canada, for 1853; as also such portions of the following Returns, Reports and Statements as have special reference to the receipt and expenditure of the Public Revenue by Public

(124)

Accountants: 1. The Reports of Superintendents of Education. 2. Bursar's Return for Toronto University and Colleges. 3. Post Master General's Report to March 1853. 4. Statement of monies received from the Upper Canada Fee Fund, and the surplus or deficiency therein, be referred to the Standing Committee on Public Accounts.

Ordered, That the Report of the Geological Survey of the Province for 1852-53, and the Bursar's Return of the University and College at Toronto, and of Upper Canada College, for 1853, be printed for the use of the Members of this House; and that Mr. Logan be authorized to employ a competent person to translate the said Geological Report.

The Order of the day for the second reading of the Bill for the better administration of the Estates of deceased persons, being read;

MR. CAMERON moved the second reading of the bill for the administration of

the estates of deceased persons.⁶ [He] stated that it was well adapted to Upper Canada, and it was rendered necessary in consequence of the great difficulties which had been felt for many years past in administering the estates of deceased persons.⁷ The hon. mover entered into a description of the changes which the bill will effect on the existing law; but most of the explanations were too technical for popular comprehension.⁸

MR. J. SMITH, of Victor[i]a, objected that the bill contained no provision as to how the real estate was to be disposed of; also to the power of selling the real estate being vested in Court Probate or Surrogate Court.⁹

MR. S. SMITH, of Northumberland, pointed out that the bill was defective in providing that no action against the estate of a deceased person shall be saken (sic) within a year after his death, and neglecting to take guarantees against making away with the property in the meantime. As an illustration of the necessity of such a provision, even as the law now stood, he mentioned the case of a person who recently died, leaving a large quantity of chattel property, and the widow sold it, putting the money into her pocket. If such things as this were done as the law now stood, how much more important it was to make some provision against the squandering of the property under a law that would prevent an action against such estate being brought for a year.¹⁰

After a few suggestions thrown out by MESSRS. ... BROWN ... and LANGTON, the bill was referred to a Select Committee.¹¹

(124)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, the Honorable John Sandfield Macdonald, Mr. Freeman, Mr. Sidney Smith, Mr. Langton, Mr. Hartman, and Mr. Joseph Curran Morrison, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Act of last Session relative to the enregistration of the Articles of Clerkship of Law Students, being read;

Ordered, That the Bill be read a second time on Thursday next.

Then, on motion of the Honorable Mr. Chabot, seconded by the Honorable Mr. Attorney General Drummond,

The House adjourned.¹²

APPENDIX: 26 SEPTEMBER 1854.

[NOTICE OF MOTION RE: BILL TO AUTHORIZE GARNISHMENT OF PUBLIC OFFICERS' WAGES.]

MR. MARCHILDON [donne avis que] jeudi [il demandera la permission de présenter un] Bill pour autoriser les créanciers des officiers publics à saisir, par saisie arrêt après jugement, les salaires et émoluments des dits officiers.¹³

[NOTICE OF MOTION RE: BILL TO FACILITATE REGISTRATION AND SEARCHES IN LOWER CANADA REGISTRY OFFICES.]

MR. PREVOST [donne avis que] jeudi [il demandera la permission de présenter un] Bill pour faciliter les enregistrements et recherches dans les bureaux d'hypothèques du Bas-Canada.¹⁴

[NOTICE OF MOTION RE: BILL TO ALLOW NOTARIES TO RECEIVE ADVICE OF RELATIONS AND FRIENDS WITHOUT A JUDGE'S CONSENT.]

MR. PREVOST [donne avis que] jeudi [il demandera la permission de présenter un] Bill pour permettre aux notaires de recevoir l'avis des parents et amis sans commission d'aucun juge, dans tous les cas où les juges peuvent déléguer leurs pouvoirs aux notaires.¹⁵

[NOTICE OF MOTION RE: BILL TO AMEND LOWER CANADA AGRICULTURE LAWS.]

MR. PREVOST [donne avis que] jeudi [il demandera la permission de présenter un] Bill pour amender les lois d'agriculture dans le Bas-Canada.¹⁶

[WITHDRAWN MOTION RE: THREE WEEK ADJOURNMENT.]

MR. POWELL rose and said--Mr. Speaker, I beg leave to move, seconded by Mr. Daly, that this House do rise to-morrow to adjourn for the ensuing three weeks. I do it because I feel that the Members of this House generally, manifest a disposition to adjourn, (hear! hear!) or those with whom I have conversed at all events; and it must be distinctly understood that in bringing the subject before the House, I have had no collusion with any member of the Government about it, (hear! hear!) I do it as an independent supporter of the Ministry, and seconded by a gentleman who is so likewise. I believe that the Members of this House feel that as far as their private interests are concerned, if there should be an adjournment, and any hon. gentleman who will take into consideration the much earlier day at which this House was convened than had been anticipated, will allow that sufficient time was not afforded to members to dispose of their private business at home. One of the best evidences of this is, that at the present time, at least one-third of the members are absent.¹⁷

A MEMBER.--One half.¹⁸

MR. POWELL.--Yes, that is nearer the mark.--Now, if a good many of the members have taken "French leave," I think it desirable that an adjournment should take place until all the members are here together. In all probability the Government will be allowed--and I think that it is for the interests of the country that the Government formed under the peculiar circumstances, which it has been, should have a little breathing for the modification of such measures as they may wish to lay before the House.¹⁹

MR. BROWN.--The adjustment.²⁰

MR. POWELL.--Yes. There are very few members of the Government here present, and I think it would be desirable that some hon. member of the Government should proceed at once to Washington, to negotiate with the United States' authorities the reciprocity measure, for it would be out of the question to accomplish anything satisfactory by telegraphs. If this step was taken it would be attended with good results, and I have delayed to the last moment making this application, in order that members of the opposition might have an opportunity of consulting their constituents.²¹

MR. COM. CR. LANDS MORIN.--Individually I must of course submit to the will of the House, but I do not see, like the hon. member, that an adjournment is necessary. (Hear hear.) If the Government, say at once, that they were to ask for an adjournment, it would appear as if they were not prepared with their measures, which is not the case. But apart from any considerations of position or feeling, I believe that there is enough to do in the House for a time: as much as there has been hitherto at the commencement of Sessions. Opinions are formed at the opening of Sessions, and information has to be obtained which afterwards enables business to go on. There is no lack of business before us, and there has been a much larger attendance in the House up to the present time than in the beginning of any other session that I remember. We have had time to consult upon certain great principles, but not to agree upon details. We must see that we cannot get a vote upon the great measures before the Country, without awaiting the return of the members of the Government from Upper Canada. There is enough, in my opinion, to enable us to go on with the despatch of the general business.²²

MR. MERRITT, I agree with what has just fallen from the hon. member. There never could have been a more inappropriate time to adjourn than the present. If it is necessary for us to adjourn at any time, it ought to be just before the close of the navigation, and adjourn from then until January or February (no! no!) Well, in my judgment there is no necessity for adjournment at all, because it was announced to us by the hon. member opposite, that the Clergy Reserves, and those other questions, would be submitted immediately, consequently they would come on as soon as we could proceed with the other business, therefore, there is no necessity for an adjournment, and I repeat that as there is unanimity in the House, we shall be able to go through the business and go home this fall.²³

MR. MARCHILDON made a few remarks in French.²⁴

MR. MACKENZIE wished to know what Hon. members had done that they wanted to go home. He did not know what the hon. gentleman meant by "French leave," but he (Mr. M.) did not understand it. Let them work. Were they to idle away the time of the country in this way, after the labors of the Imperial Parliament upon the Clergy Reserves, and with so important a Bill to be submitted to them like that for making the Legislative Council, Elective and the Seigniorial Tenure Bill, and other important measures? Proceed with the business.²⁵

MR. CARTIER agreed with the last hon. member. He did not think they ought to adjourn under the present circumstances--he knew how this coalition Administration had been brought about, and in his opinion if an adjournment did take place, it would cast an imputation upon the Government.²⁶ Un ajournement fera croire au pays qu'on n'a pas l'intention de passer outre avec les mesures promises.²⁷ He agreed with the hon. Mr. Morin, that they could now proceed with the business. If they were to adjourn for three weeks, it would lengthen the session more than if the House proceeded to discharge the business of the country.²⁸

MR. PAPIN said, that as the ministry did not want an adjournment, he did not

think that there ought to be any. It was desirable that the public business should be proceeded with.²⁹

Another hon. member rose and objected to hurrying through the great measures, and going home at the close of the navigation.³⁰

MR. AT. GEN. DRUMMOND: I think that an adjournment at the present moment would not be viewed favorably by the country. The Government do not require an adjournment, except in so far as must be perfectly understood by every hon. gentleman in the House, that in the absence of our colleagues in Upper Canada, we cannot proceed with any of the great Government measures. You will remember Mr. Speaker, that in the year 1848, when the Reform Ministry took the place of the Sherwood ministry--(I believe the ministry withdrew about the tenth or twelfth day of the session)--that the House continued to sit for eight weeks, counting from the first day of the session to the last, and I, who was not a member of the government at the time, was obliged to conduct the business in the House. I consented to do it, but I had no idea of the magnitude of it, or I should not have undertaken it, and I shall not forget the kindness of the opposition at that time; but it was distinctly understood that no measure of the Opposition should be brought up in the absence of the Ministry. Now, all that we want to ask is, the hon. gentleman will not expect that any of these measures can be pressed in the absence of the members in Upper Canada; but we are willing to go on with the general business of the House. I can see no objection to an adjournment for a few days, say to Monday next, but the general opinion is against that; but if we are to adjourn at all, hon. gentlemen say that we should adjourn for three weeks, in order to enable members to reach their homes. I think that it would be highly impolitic to assent to an adjournment of that kind, and, therefore, I think that the best way is to proceed in the even tenor of our way, and I hope that hon. members will not expect us to bring in any of the Government measures under the circumstances.³¹

MR. POWELL.--It is my intention to withdraw this motion. I am induced to do so because I observe that hon. gentlemen speak now in a very different tone to what they did in private conversation, for the argument that the leader of the Ministry puts forth shows that he expects the Opposition to advance a clap trap cry, and if that is the impression of the Ministry, they will not be able to withstand it so as to retain the confidence of the country. There is not much weight in what the hon. member for Lincoln states, that the House is likely to get through its business by the fall. The hon. member for Haldimand did not agree with me, but instead of encumbering the country with objectionable laws and asking for reports, which are never when produced, read, and tendering offerings that are generally burnt offerings, (laughter,) I trust, that at the end of the session, I shall be able to present myself before my constituents, and receive from them a verdict which I don't think the hon. member for Haldimand will receive from his.³²

MR. CAUCHON thought the government were right. An adjournment for a few days would give the hon. member for Carleton an opportunity of amusing himself in the fine promenades around town.

He (Mr. C.) thought, that the Legislation of the country should be proceeded with.³³

MR. POWELL then withdrew his motion.³⁴

[ANNOUNCEMENT RE: SAGUENAY TRIP.]

MR. COM. PUB. WORKS CHABOT propose alors que la Chambre s'ajourne depuis

mecredi soir, jusqu'à lundi matin, et dit qu'il croit être capable de mettre à la disposition des membres un bateau à vapeur pour un voyage au Saguenay pendant les derniers jours de la semaine.³⁵

FOOTNOTES: 26 SEPTEMBER 1854.

1. MACKENZIE'S WEEKLY MESSAGE, 6 October 1854, reports that: "Mr. Macdonald, of Glengarry, takes the place of Mr. Dorion on the general committee of elections."
2. PORT HOPE GUIDE, 7 October 1854.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. PILOT, 29 September 1854.
8. PORT HOPE GUIDE, 7 October 1854.
9. IBID.
10. IBID.
11. PILOT, 29 September 1854.
12. PORT HOPE GUIDE, 7 October 1854, reports that: "The orders of the day having been got through, the House adjourned before 5 o'clock P.M."
13. LE PAYS, 30 September 1854.
14. IBID.
15. IBID.
16. IBID.
17. PILOT, 29 September 1854.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. LE PAYS, 30 September 1854.
28. PILOT, 29 September 1854.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. LE PAYS, 30 September 1854. Telegraph (GLOBE, 27 September 1854), reports that: "Mr. Morin said he hoped to be able to put a steamboat at the disposal of members who desired to see the Saguenay."

WEDNESDAY, 27 SEPTEMBER 1854.

(124)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Valois,--The Petition of P.A.C. Munro and others, Physicians and Surgeons, Professors of the Montreal School of Medicine and Surgery.

By Mr. Southwick,--The Petition of the Municipality of the Township of Malahide.

By Mr. Antoine Aimé Dorion,--The Petition of A.M. Delisle and others, of the City of Montreal; and the Petition of Sister Ste. Jeanne de Chantal and others, Sisters of Mercy, Directresses of L'Hospice de la Maternité de Montréal.

By Mr. Cauchon,--The Petition of the New York, Newfoundland, and London Telegraph Company; and two Petitions of the North Shore Railway Company.

By Mr. Freeman,--The Petition of Gideon Smith and others, of the Township of Glanford.

By Mr. Alleyn,--The Petition of John Young and others, of the City of Quebec; and the Petition of Lady Caldwell and others, the Ladies Managers of the Male Orphan Asylum of Quebec in connection with the Church of England.

(125)

By Mr. Pouliot,--The Petition of L. Lauvière and others, the School Commissioners of the Village of St. Michel, County of Bellechasse.

By Mr. Papin,--The Petition of T.H. Pacaud, of the Parish of St. Maurice, Esquire, Justice of the Peace for the District of Three Rivers.

By Mr. Fournier,--The Petition of George Blais and others, of the Parishes of St. Jean Port Joli, and St. Roch des Aulnets.

By Mr. Felton,--The Petition of A.J. Parker and others, of Danville and its vicinity; and the Petition of John Downey and others, of Danville and vicinity, in the Township of Shipton, County of Sherbrooke.

By Mr. Laberge,--The Petition of the Corporation of the College of Chambly.

By Mr. Cooke,--The Petition of Gardner Church and others, Sons of Temperance, and others; and the Petition of Catherine Anderson and others, Daughters of Temperance, and others.

By the Honorable Mr. Cameron,--The Petition of Joseph D. Ridout and others, on behalf of the Canadian Order of Odd Fellows in connection with the Manchester Unity.

By the Honorable Mr. Attorney General Drummond,--The Petition of F. Marchand, President, and others, on behalf of the Academy of St. Johns.

By Mr. Powell,--The Petition of the Town Council of the Town of Bytown.

By Mr. Ferres,--The Petition of Lester Ball and others, of Sutton and other Townships.

Pursuant to the Order of the day, the following Petitions were read:--

Of Christian Wurtele and others, Directors of the Quebec Provident and Savings Bank; praying for certain amendments to the Act for the establishment of Provident and Savings Banks in this Province.

Of the Municipality of the Township of Louth; praying for the passing of an Act to authorize the Great Western Railway Company to erect a Station on the east side of the Twenty-Mile Creek in the said Township, and to retain the Bridge across the said Creek in its present state.

Of the President, Directors and Company of the Louth Harbour; praying for the passing of an Act to confirm and continue to the said Company the rights and privileges granted them by the Act of Upper Canada 3 Will. 4, cap. 23.

Of Henri Lappare, Notary, and Secretary to the Board of Notaries of Montreal; praying for an increase of salary.

Of Mrs. B. Delisle and other Ladies, Directresses and Officers of the Catholic Orphan Asylum of Montreal; praying aid in behalf thereof.

Of E.L. Pacaud and others composing the St. Maurice Bridge Company; complaining of the proceedings of the Government regarding the said Bridge, whereby the Petitioners have been deprived of their possession thereof, to their great loss and damage, and praying relief in the premises.

Of E.L. Pacaud, heretofore of the Town of Three Rivers, now of the City of Montreal, Esquire, Advocate; praying indemnity for his services as Commissioner of Bankrupts for the District of Three Rivers, from the 1st April, 1844, to the 17th August, 1847.

Of the Reverend C. La Rocque and others, of the County of St. Johns; praying for the establishment of a Registry Office in the said County.

Of A.J. Fergusson, Esquire, of the Town of Guelph, County of Wellington; praying that the Petition of George S. Tiffany and others, for the passing of an Act to authorize the sale of a certain parcel of land in the Township of Guelph, now held in trust, may be granted.

Of the Corporation of the College of Chambly; praying for aid.

Of Henry Mulholland; praying to be indemnified for his attendance as a Witness before an Election Committee during last Session.

(126)

Of J. Beaudet and others, of the Parish of St. Joseph and other places in the County of Soulanges; praying for the establishment of a Circuit Court, a Registry Office, and a Municipal Council in the said County, and that the Seat thereof may be at the Village of the Parish of St. Ignace, in the said County.

Of the Municipality of the Township of Finch; praying aid for the construction of a Bridge across the River Nation, in the said Township.

Of William Smith, Chairman, on behalf of himself and the other Provisional Directors of the Stratford and Huron Railway; praying for an Act of Incorporation.

Of the Municipality of the Village of Stratford; praying for the passing of an Act to incorporate the Stratford and Huron Railway Company.

Of William E.N. Byers and others, of the Townships of East and West Hawkesbury; praying for the passing of a Prohibitory Liquor Law.

Of Charles Brin and others; praying for indemnity to all those persons who have been unjustly excluded from the benefits of the Act granting indemnity to Sufferers by the Rebellion of 1837 and 1838.

Of the Town Council of the Town of Bytown; praying that the Act incorporating the Vaudreuil Railway Company may be so amended as to admit of that Railway being extended on to Bytown.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find that the Notice have been fully given in each case, viz:-- Of the Woodstock and Lake Erie Railway and Harbour Company; of John Jeremy Macaulay, of the City of Toronto, Esquire; of Robert Brown and others, Landowners in the fourth Concession of the Township of Cornwall; of the Grand Trunk Railway Company of Canada; of A. Rankin, Esquire, and others; of Wolfred Nelson, Esquire, and others, Members of the British American Friendly Society of Canada; of C. Lynde, Chairman, and J. Welsh, Secretary, on behalf of a public meeting of the inhabitants of the Town of Whitby; of the Quebec Bank; of the Bank of Montreal; of the Commercial Bank of the Midland District; of the Bank of Upper Canada; of Charles Jones and others, of the City of Quebec; of Donald Cameron and others, of the Township of Thorah, County of Ontario; and of the Galt and Guelph Railway Company.

With respect to the Petition of the Peterborough and Port Hope Railway Company

for an Act to amend their Act of Incorporation and to change the name of the Company, Your Committee find that Notice has been published at Port Hope, but not in the Counties of Peterborough or Ontario. In consideration, however, of the general nature of the prayer of the Petition, Your Committee beg leave to recommend a suspension of the 62nd Rule.

The Petition of the Commissioners of the Port Hope Harbour prays for certain amendments to their Act of Incorporation, one of which comprises an extension of the limits of the Harbour: Your Committee find that no Notice has been given of the latter portion of the prayer of the Petition, and inasmuch as the amendment referred to is of such a nature as to require Notice, Your Committee respectfully recommend that that portion of the application be not proceeded with.

The Petition of the Vaudreuil Railway Company prays for certain amendments to their Act of Incorporation, and for power to construct a Branch to some point on Lake Huron: Your Committee find that sufficient Notice has been given so far as the present line of Railway to Bytown is concerned, but not as respects the proposed Branch to Lake Huron, they therefore beg leave to recommend that that portion of the Petition be not proceeded upon.

The Petition of the Municipal Council of the County of Middlesex prays for

(127)

authority to the said Council to effect a loan of One hundred and eighty thousand pounds, to consolidate the County Debt; while in the Notice published by the Council the amount of the proposed loan is stated to be One hundred thousand pounds; Your Committee would therefore recommend that in any Act that may be passed upon the subject, the smaller amount be inserted.

With respect to the Petitions of James Reid, President, and F.W. Sherriff, Secretary, on behalf of the Directors of the Huntingdon Academy Association, praying for an Act of Incorporation; of the Roman Catholic Bishop of Montreal, for an Act to incorporate Masson College; of the Reverend G. Werner and others, of the City of Montreal, for Incorporation of the German Evangelical Church; of R.N. Webber and others, of the Townships of Shipton and Melbourne, District of St. Francis, for incorporation of St. Francis College; of the Toronto Athenaeum, for amendments to their Act of Incorporation; of the Reverend J. Fishburn, Rector, and others, Elders and Members of the Evangelical Lutheran Church, for the same rights and privileges as other denominations in the solemnization of Matrimony; of the Quebec Friendly Society, for amendments to their Act of Incorporation; and ... of Peter Freeland and others, Members and Friends of the Upper Canada Religious Tract and Book Society, for an Act of Incorporation, Your Committee find that none of these Petitions are of such a nature as to require the publication of Notice.

Ordered, That the Petition of the Corporation of the College of Chambly be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Act incorporating the Toronto Athenaeum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the fifth day of October next.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to incorporate a Company for the erection of an Hotel in the Village of Windsor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eighteenth day of October next.

Ordered, That Mr. Cartier have leave to bring in a Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. James Smith have leave to bring in a Bill to amend the Act incorporating the Commissioners of the Port Hope Harbour, and to authorize them to borrow a further sum of money for the completion thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Roderick McDonald have leave to bring in a Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

(128)

Ordered, That Mr. Clarke have leave to bring in a Bill to amend the Act to authorize the construction of a Railway from Galt to Guelph.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the fifth day of October next.

Ordered, That Mr. Hartman have leave to bring in a Bill to incorporate the Town of Whitby, and to define the limits thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to vest in Edward Shortis, Esquire, the Road or Concession allowance between Lots numbers fifteen and sixteen in the Sixth Concession of the Township of Thora.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Toronto Coal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Quorum of the Select Committee appointed to inquire into the state of Agriculture in Lower Canada, be reduced to five Members; and that the said Committee have power to report from time to time.

On motion of CAPT. RHODES,¹

(129)

Ordered, That Mr. Pouliot and Mr. Thibaudeau be added to the said Committee.

MR. BROWN introduced a bill to amend the charter and increase the capital stock of the bank of Montreal.²

MR. COM. CR. LANDS MORIN desired to have the second reading put off until a remote date, in order to give the government time to consult on the important subject of banking.³

(128)

Ordered, That Mr. Brown have leave to bring in a Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-sixth day of October next.

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to alter and amend certain provisions of the Act of the Imperial Parliament reuniting the Provinces of Upper and Lower Canada.

MR. COM. CR. LANDS MORIN ... introduced a bill to alter and amend certain provisions of the Act of the Imperial Parliament re-uniting the Provinces of Upper and Lower Canada. He said: Though it is not usual to have discussions upon such a subject in its present position, still I believe that it is right I should call the attention of the House to what I am about to introduce, both because of its importance, and⁴ parce qu'il est étroitement lié au droit aujourd'hui accordé au peuple du Canada de régler sa constitution comme bon lui semble.⁵ It is predicated that this Legislature is authorized to change the Constitution of the Legislative Council of these Provinces. In accordance with that, we must be prepared to attain the desirable object, namely, to secure a second branch of the Legislature which we have in this country, so formed that it will work satisfactorily. Hon. members will be satisfied, I know, with the Bill, and they will discover that it is just of that character as might very well pass through this House, and the other Branch of the Legislature. (The hon. gentleman then addressed the House in French.)⁶

MR. BROWN.--Is the Bill different from the address passed last Session?⁷

MR. COM. CR. LANDS MORIN.--No: as soon as the bill has received the royal sanction, twenty members of the Legislative Council will be elected--ten for Lower Canada and ten for Upper Canada--the places for which they will be elected will be drawn by lot. In two years after that date twenty other members will be elected, drawn by lot also, and the next two years after, twenty other members are to be elected--thus completing the number of sixty. The present members are to remain. In case of a dissolution the present members are not to be disturbed (hear, hear,) because, were it to be so, we should be undoing that which the bill proposes to accomplish: but this will not apply to the other members. The members will be elected for six years and will retire by third parts [except] when there is a dissolution. Then of course an election will take place, and they will draw lots to see who retires in two years and who in four. These are the main propositions of the bill.⁸

MR. BROWN.--Is the Executive to have power to dissolve the Council?⁹

MR. COM. CR. LANDS MORIN.--Yes; it is to be upon the same conditions as were provided in the resolutions of last session.

The hon. gentleman then moved that the bill be read a first time¹⁰.

(128)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the sixth day of October next.

Ordered, That Mr. Pouliot have leave to bring in a Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture and to provide for the remedy of abuses prejudicial to Agriculture."

He accordingly presented the said Bill to the House, and the same was received

and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Pouliot have leave to bring in a Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

(129)

On motion of Mr. Pouliot, seconded by Mr. Alleyn,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a copy of the Report of the Survey or Surveys that have been made under the direction of the Board of Public Works, at St. Michel, in the County of Bellechasse, with reference to the construction of a Quay in that locality; and also, of all plans and documents relating thereto.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Prévost have leave to bring in a Bill to incorporate the Masson College of Terrebonne.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Scatcherd have leave to bring [in] a Bill to authorize the County of Middlesex to negotiate a loan of One hundred thousand pounds to consolidate the County Debt.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to increase the Capital Stock of the Commercial Bank of the Midland District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-sixth day of October next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to increase the Capital Stock of the Bank of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-sixth day of October next.

Ordered, That Mr. Brown have leave to bring in a Bill to abolish the Rectories.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh day of October next.

On motion of Mr. Darche, seconded by Mr. Bureau,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of all Correspondence which may have taken place between the Executive Government or any person or persons, and more especially any Inhabitants of the County of Chambly, relative to the now last appointments of Justices of the Peace and Commissioners for the trial of Small Causes in the Parish of Longueuil, in the said County.

Ordered, That the said Address be presented to His Excellency the Governor

General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to exempt the Homesteads of Families, when under the value of £ _____, from forced sales under execution to pay debts.

MR. MACKENZIE introduced a bill to exempt the homesteads of families to the value of _____ from forced sale under execution for debt. He left the amount blank: the house might fill it up with \$100 or \$1000, as it thought proper.¹¹

(130)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh day of October next.

MR. MERRITT moved for leave to incorporate a Company for the purpose of constructing a road from Amherstburg on the Detroit until it intersects the different lines leading to the Niagara River, and for other purposes. He moved the suspension of the 62d rule of the House as far as it relates to the bill.¹²

MR. CARTIER objected to the want of evidence of due notice having been given; and to the suspension of the rule.¹³

MR. HARTMAN stated the amount of evidence of notice that had been brought before the committee on standing orders. He thought it would be a dangerous principle to suspend the rule.¹⁴

MR. MACKENZIE thought this a case in which the rule ought to be suspended. It was a great many years since the movement was made for a railroad in that direction, and a charter ought not now to be denied because notice might not have been published in some little paper.¹⁵

MR. J.S. MACDONALD was one of those who thought it dangerous to suspend the rule. He spoke in opposition to any disposition to construct parallel railroads, to the detriment of the stock of those roads which had been constructed by the capital of persons living abroad. He desired to see fair play for the Great Western.¹⁶

MR. ROBINSON said that the Great Western Railroad was insufficient to do the business offering, and that its revenue had doubled within a year.¹⁷

MR. LARWILL and DR. FRAZER both stated that sufficient notice had been given in the county papers.¹⁸

MR. HARTMAN said there was not sufficient evidence before the committee of standing orders to show that the rule had been complied with.¹⁹

DR. SOUTHWICK said all parties interested were well aware that the charter was to be asked for; and he deprecated the attempt of the member for Glengary to go into the merits of the question at this stage of the proceedings.²⁰

The motion was then carried.²¹

(130)

Ordered, That the 62nd Rule of this House be suspended as regards the Amherstburg, St. Thomas, Lincoln, and Niagara River Railways.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to incorporate a Company for the purpose of constructing a Road from Amherstburg on the Detroit River, until it intersects the different lines leading to the Niagara River, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the fifth day of October next.

Mr. Stevenson moved, seconded by Mr. Crawford, and the Question being proposed, That the Letter of the Clerk of this House, laid on the Table by the Honorable the Speaker, in reference to the appointment of an additional Clerk Assistant, be referred to the Standing Committee on Contingencies, with an instruction to report upon the present state of the Departments of this House, and what alteration, if any, may be considered necessary touching the efficiency of those Departments, and also, as to any alterations in the salaries or allowances now granted to the Officers and other Employés in the same;

Mr. Fortier moved in amendment to the Question, seconded by Mr. Dufresne, That all the words after "referred" to the end of the Question be left out, and the words "to a Committee of five Members, with an instruction to the said Committee to inquire concerning the capacity of each of the Officers and Clerks of this House, and their fitness to discharge their duties in the several offices now respectively held by them, or to which they may be hereafter appointed, with a view to ensure the efficient discharge of the duties devolving upon them respectively, to report thereon with all convenient speed; with power to send for persons, papers, and records" inserted instead thereof;

A discussion arose upon this amendment.²²

MR. CARTIER said that as there were vacancies to be filled up it was desirable that the most able persons should be selected to fill up the same.--That being a matter for the decision of the proposed committee, he thought Dr. Fortier's amendment could be satisfactorily embraced in Mr. Stevenson's.²³

MR. BROWN read a rule of the House regulating the appointment of employees, to show in what hands the authority laid to appoint the assistant clerk.²⁴

MR. CAMERON did not see the necessity of referring to a Special Committee the question whether the officers of the House were properly performing their duties. It would be presumed that they were, as no objections were forthcoming. The matter should be referred to a Standing Committee.²⁵

MR. BROWN.--There was an objection to that. When the Contingency Committee were sitting through 1852 and 1853 upon the subject of salaries, members were constantly being lobbied about salaries, and it was a never-ending source of trouble to the Committee. The best plan, in his opinion, would be to fix the salaries by statute, and then they would be reviewed every few years. He would object to changes in salaries of the clerks. But another matter for their consideration was this: After the Contingencies Committee of 1852 and 1853 had sat a great many days an amendment to the report was brought in and pushed through without being endorsed by the House, which gave increased salaries. These had been since paid to the officers of the House, and he thought that if that had been done, it was a very improper proceeding without the authority of this House, and the matter should be looked into in order to find out by whose orders those salaries were paid.²⁶

DR. T. FORTIER did not see that any objections had been offered to his amendment to induce him to withdraw it, and he moved its adoption.²⁷

MR. FELTON thought the amendment was a proper one.²⁸

MR. LANGTON.--If there was to be a Committee appointed to enquire into the qualifications of officers, it should be appointed by the House, and should not be fixed by any particular gentleman.²⁹

MR. SOL. GEN. D. ROSS thought that the amendment proposed by Dr. Fortier was a good one.³⁰

(130)

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Letter of the Clerk of this House, laid on the Table by the Honorable the Speaker, in reference to the appointment of an additional Clerk Assistant, be referred to a Committee of five Members, with an instruction to the said Committee to inquire concerning the capacity of each of the Officers and Clerks of this House, and their fitness to discharge their duties in the several offices now respectively held by them, or to which they may be hereafter appointed, with a view to ensure the efficient discharge of the duties devolving upon them respectively, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Fortier, Mr. Laberge, Mr. Brown, Mr. Lemieux, and Mr. Chapais, do compose the said Committee.

Ordered, That Mr. Felton have leave to bring in a Bill to incorporate St. Francis College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Daly have leave to bring in a Bill to incorporate certain

(131)

persons under the name and style of the Stratford and Huron Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill in relation to the solemnization of Matrimony in Upper Canada, being read;

Ordered, That the Bill be read a second time To-morrow.

Then, on motion of Mr. Daly, seconded by Mr. Flint,
The House adjourned.³¹

[NOTICE OF MOTION RE: CLERGY RESERVES SECULARIZATION BILL.]

MR. AT. GEN. DRUMMOND [gave notice that] on Tuesday next [he would move for leave to introduce a] Bill intituled, "An Act to make better provision for the appropriation of Monies arising from the Lands heretofore known as the Clergy Reserves by rendering them available for municipal purposes."³²

[NOTICE OF MOTION RE: UPPER CANADA CONCILIATION COURTS BILL.]

MR. MACKENZIE [gave notice that] on Friday next [he would move for leave to introduce a] Bill to establish Courts of Conciliation in Upper Canada.³³

[NOTICE OF MOTION RE: VOTE BY BALLOT BILL.]

MR. J. SMITH, Victoria [gave notice that] on 17th October next [he would move for leave to introduce a] Bill to provide for establishing Vote by Ballot at Parliamentary Elections.³⁴

[NOTICE OF MOTION FOR AN ADDRESS TO HER MAJESTY TO REPEAL 5 AND 6 WILLIAM IV, CHAP. 62, SEC. 16, RE: DEBTS DUE IN UNITED KINGDOM.]

MR. CAMERON [gave notice that] on Friday next [he would move an] Address to Her Majesty, that she will be graciously pleased to have a measure introduced into the Imperial Parliament at its next session, to repeal the 5th and 6th William IV, chap. 62, sec. 16, so far as the same relates to this Province.³⁵

[NOTICE OF MOTION FOR AN ADDRESS TO HIS EXCELLENCY RE: TORONTO HARBOUR COMMISSION ACCOUNTS.]

MR. CAMERON [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General, praying for a detailed account of the Monies received and paid by the Toronto Harbour Commissioners, from 1st January, 1853, to the present time.³⁶

[NOTICE OF MOTION RE: INSTRUCTIONS TO STANDING COMMITTEE ON PRINTING TO INQUIRE INTO QUEEN'S PRINTER.]

MR. STEVENSON [gave notice that] on Friday next [he would move] Instructions to the Standing Committee on Printing to enquire into the Receipts and Expenditure connected with the Office of Queen's Printer,--the work done and prices charged, including the tariff of charges on legal advertising in the Canada Gazette,--the number of copies usually circulated,--the rates of advertising wild lands in various localities liable to be sold for arrears of taxes, and the sums charged for the same,--the charges for Binding, Stitching, Stationery, &c., for the Government, and to report thereon to this House their opinion as to whether any and, if so, what improvements appear to be required in that branch of the public service.³⁷

[NOTICE OF MOTION RE: NEW MEMBER TO STANDING COMMITTEE ON PRINTING.]

MR. STEVENSON [gave notice that] on Friday next [he would move] that Mr. Morrison of Niagara be placed on the Standing Committee on Printing, in lieu of the hon. Mr. Young, who has been placed on the Standing Committee on Railways and Telegraph Lines.³⁸

[NOTICE OF MOTION FOR COMMITTEE TO DRAFT LEGISLATIVE ASSEMBLY ELECTION BILL.]

MR. MACKENZIE [gave notice that] on Friday next [he would move] to appoint a Select Committee of five members, with directions to draft and report a Bill providing that the Members of the Legislative Assembly at all stated general elections, shall be nominated on one and the same day, throughout Canada; and that the election days in cases of contests should be the same in every Constituency; as also, that a reasonable time to be stated in the Bill, should intervene before an election, in case of any dissolution of the Legislative Assembly, before the expiration of its stated term; and to provide, that when any Legislature shall have expired at the close of its term, the then next ensuing election shall always take place at a time of the year convenient for the Electors, and to be named in the bill.³⁹

[NOTICE OF MOTION TO SUSPEND 62ND RULE RE: BROCKVILLE AND OTTAWA RAILWAY CHARTER.]

MR. CRAWFORD [gave notice that] on Friday next [he would move] to suspend the 62nd Rule of this House so far as relates to the Brockville and Ottawa Railway Company for the extension of its charter.⁴⁰

[NOTICE OF QUESTION RE: GOVERNMENT TIMBER SLIDES ON OTTAWA RIVER.]

MR. EGAN [gave notice that] to-morrow [he would make an] Enquiry of Ministry whether it is intended by the Government to make such improvements on the Government Slides on the Ottawa River, on the Calumet, Chats, and Bytown, as will ensure the descent of Timber at low water during the ensuing season, as those persons engaged in the Timber Trade have been subjected to serious losses this year, by having their capital, to an amount of at least £100,000 locked up, owing to their inability, from the defective state of the said slides, and the approaches thereto, to bring their timber to market.⁴¹

[NOTICE OF QUESTION RE: CONSTRUCTION OF CANAL ON OTTAWA RIVER AT BYTOWN.]

MR. EGAN [gave notice that] on Monday next [he would make an] Enquiry of Ministry whether it is the intention of the Government to commence the construction of a Canal at Bytown without delay, agreeably with the hopes held out by the late Government that Canals on the Ottawa River would be constructed at an early period to encourage and facilitate the rapidly growing commerce of that part of the Province.⁴²

[NOTICE OF QUESTION RE: AMENDMENT TO FRANCHISE ACT OF 1853.]

MR. J. SMITH, Victoria [gave notice that] on 17th October next [he would make an] Enquiry of Ministry, whether it is their intention to introduce any measure during the present Session for amending the Franchise Act of 1853.⁴³

[NOTICE OF QUESTIONS RE: REVISION OF PROVINCIAL STATUTES.]

MR. LABERGE [donne avis que] demain [il] demandera au ministère:

10. Pourquoi les status provinciaux n'ont pas été révisés, tel que résolu dans la session de 1851?

20. Si le gouvernement est entré en négociation avec quelques personnes devant être nommées commissaires pour cette revision,--quelles ont été ces personnes et pourquoi ces négociations ont échoué, si elles ont eu lieu?⁴⁴

[ANNOUNCEMENT RE: SAGUENAY TRIP.]

MR. COM. PUB. WORKS CHABOT stated that the two steamboats which he had regarded as available for taking the members of the Legislature to the Saguenay were not now to be had. One of them was below Quebec and the other undergoing repairs; and neither of them could be had till Monday. It was proposed to start on Wednesday next, thus allowing four instead of three days for the trip. Both steamers will be placed at the disposal of members.⁴⁵

FOOTNOTES: 27 SEPTEMBER 1854.

1. MORNING CHRONICLE, 29 September 1854.
2. Telegraph (GLOBE, 29 September 1854).
3. IBID.
4. MORNING CHRONICLE, 29 September 1854.
5. LE PAYS, 30 September 1854.
6. MORNING CHRONICLE, 29 September 1854.
7. IBID.
8. MORNING CHRONICLE, 29 September 1854. GLOBE, 30 September 1854, reports that:
"In answer to Mr. Brown, Mr. Morin gave a short sketch of the character of the
new measure. It is very different from that which the same official intro-
duced last Parliament."
9. MORNING CHRONICLE, 29 September 1854.
10. IBID.
11. TORONTO LEADER, 3 October 1854.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. MORNING CHRONICLE, 29 September 1854.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. TORONTO LEADER, 3 October 1854, reports that: "The orders of the day having
been got through, the House adjourned before six o'clock."
32. TORONTO LEADER, 3 October 1854.
33. IBID.
34. TORONTO LEADER, 3 October 1854. LE PAYS, 30 September 1854, reports that the
bill is to be introduced on the "10 octobre prochain."
35. TORONTO LEADER, 3 October 1854.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. LE PAYS, 30 September 1854.
45. TORONTO LEADER, 3 October 1854. LE PAYS, 30 September 1854, reports that: "M.
Chabot, a informé ... les représentants du peuple que deux steamers appartenant
à la province seraient mis à leur disposition, mercredi prochain, pour les

transporter sur les bords pittoresques du Saguenay.

Les idées de M. Chabot s'égarent rarement dans le domaine si vaste du roman: c'est pourquoi il s'est attaché surtout à faire ressortir le côté utile de ce voyage de plaisir improvisé.

C'est d'abord le soin que tout bon gouvernement doit avoir de la santé de ceux qui le laissent vivre; mais cette considération ne paraît être que secondaire.

Le principal but de l'excursion, si l'on en croit M. Chabot, c'est de donner aux membres du Parlement l'occasion de voir et d'examiner les quais, phares, etc., construits ou élevés le long du fleuve et jusque sur le golfe St. Laurent.

On viendra, dit-il, dans le cours de cette session, vous demander des octrois, qui paraîtront fort élevés, pour continuer ou terminer ces travaux. Quand vous en aurez vu de vos yeux l'importance et l'étendue, vous n'hésiterez pas à voter tout ce qu'on vous demandera pour ces objets."

THURSDAY, 28 SEPTEMBER 1854.¹

(131)

MR. Speaker laid before the House, a Return of the distribution of the Statutes of Canada, 1st Session, 4th Parliament, 16 Victoria, 1852-3.

For the said Return, see Appendix (W.)

And also, The Accounts of the Trinity House of Montreal, to the 19th September, 1854.

For the said Accounts, see Appendix (X.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Louis Roussy and others, Members of the Evangelical Society established at Grande Ligne, District of Montreal.

By the Honorable Mr. Young,--The Petition of the Protestant Board of School Commissioners of the City of Montreal; the Petition of the Montreal Board of Trade; the Petition of Jacques Viger, Esquire, President, and the Reverend A.T. Truteau, Secretary, on behalf of the Association of the School of St. Jacques, Montreal; and the Petition of the Natural History Society of Montreal.

By Mr. Frazer,--The Petition of Rescue Division, No. 182, of the Order of the Sons of Temperance.

By Mr. Brown,--The Petition of Forest Division, No. 381; and the Petition of Ridgetown Division, No. 190, both of the Order of the Sons of Temperance; and the Petition of Alexander Brown and others, of the Township of Sombra.

By Mr. Holton,--The Petition of William Workman and others, of the City of Montreal, Merchants.

By Mr. Alleyn,--The Petition of the Quebec Library Association; and the Petition of the Mayor and Councillors of the City of Quebec.

By Mr. Poulin,--Two Petitions of the Reverend Edouard J. Crevier, of the Parish of Ste. Marie de Monnoir, Diocese of St. Hyacinthe.

(132)

Pursuant to the Order of the day, the following Petitions were read:--

Of Lanark Division, No. 409, of the Order of the Sons of Temperance; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend N.C. Fortier and others, the Founders of the College of St. Michel; praying for aid in behalf thereof.

Of Thomas Jenkins and others, of the Village of Vienna, County of Elgin; praying for an Act of Incorporation under the name and style of the Otter Creek Navigation Company.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 14th instant, praying His Excellency to cause to be laid before this House, a copy of any Lease or Patent leasing certain landed property at or near the Rondeau, including fishing grounds, to John Prince, Esquire, Queen's Counsel, and of the Orders in Council authorizing the said Lease, the Petition, if any, and any Correspondence on file in the Executive Council Office, or Crown Land Department, relative to the same.

For the said Return, see Appendix (Y.)

Ordered, That Mr. Marchildon have leave to bring in a Bill to authorize the Creditors of Public Officers to attach by Saisie Arrêt after Judgment, the salaries and emoluments of the said Officers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the

twelfth day of October next.

Ordered, That Mr. Prévost have leave to bring in a Bill to provide in a more certain manner for order in enregistration, and to facilitate enregistrations and searches in the Registry Offices of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twelfth day of October next.

Ordered, That Mr. Prévost have leave to bring in a Bill to allow Notaries to receive the advice of relations and friends, without being thereunto authorized by a Judge in all cases in which the Judges may delegate their powers to Notaries.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. James Ross have leave of absence for fourteen days.

On motion of the Honorable Mr. Cameron, seconded by Mr. Brown,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that two Commissions be issued for the revision, consolidation and classification of the Public General Statutes of the late Provinces of Upper and Lower Canada, and of Canada, and of the Ordonnances; and assuring His Excellency that this House will make good any expense that may be required in the execution of the said Commissions.

En faisant cette motion, il [MR. CAMERON] fit allusion aux mesures que la Chambre avait déjà prises en 1851, pour atteindre un but si désirable. Pour une raison ou pour une autre, le gouvernement n'en a rien fait, et il espérait que l'administration actuelle entreprendrait cette tâche, avec l'assurance que la Chambre serait disposée à couvrir toutes les dépenses.²

MR. COM. CR. LANDS MORIN répondit que le sujet était sous la considération de l'Exécutif et que des mesures allaient être prises bientôt pour atteindre l'objet qu'avait en vue l'hon. M. Cameron en faisant sa motion.³

(132)

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

(133)

On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Brown,

Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of all Correspondence between the Governments of Canada, Nova Scotia and Prince Edward's Island, respectively, in relation to the Reciprocity Treaty with the United States.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Sidney Smith have leave of absence for two weeks.

Ordered, That the Honorable Mr. Rolph have leave of absence for three weeks.

Ordered, That Mr. Brown have leave of absence for two weeks.

Ordered, That Mr. Bellingham have leave of absence for ten days.

Ordered, That Mr. Cartier have leave to bring in a Bill to protect the Forest and to prevent the setting of fire to woods with the view of clearing lands.

He accordingly presented the said Bill to the House, and the same was received

and read for the first time; and ordered to be read a second time on Thursday the nineteenth day of October next.

Ordered, That Mr. Freeman have leave to bring in a Bill to provide for the holding of the several County Courts in Upper Canada in case of the illness or unavoidable absence of the County Judge.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Freeman have leave to bring in a Bill to amend the Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of DR. FRAZER⁴,

(133)

Resolved, That the Proclamation issued by His Excellency the Governor General under the provisions of the Act 12 Vic. cap. 8, relative to the Public Health, and the accompanying documents, which were presented on Monday last, be referred to a Select Committee, composed of Mr. Frazer, the Honorable Mr. Rolph, Mr. Church, Mr. Roderick McDonald, Mr. Valois, Mr. Blanchet, and Mr. Taché, with a view to inquire into the operation of the said Act, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the 62nd Rule of this House be suspended as regards the Petition of the Peterborough and Port Hope Railway Company.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to amend the Law of Upper Canada with respect to the solemnization and registration of Marriages.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Wright have leave to bring in a Bill to enable Ministers of the Evangelical Lutheran Church in this Province, to solemnize Matrimony therein.

(134)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. McCann have leave to bring in a Bill to incorporate the Huntingdon Academy.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.⁵

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, in Upper Canada, to admit John Jermy Macaulay to practise as an Attorney and Solicitor therein, respectively.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Clerk of this House do call upon the Montreal and Bytown Railway Company to lay before this House, without delay, a List of the Names of the

present Directors, President, Vice-President, and other Officers of the Company, together with a statement shewing the number of shares subscribed, and the amount already paid on account of the said shares.

Ordered, That Mr. Langton have leave to bring in a Bill to change the name of the Peterborough and Port Hope Railway Company, and to amend the Act incorporating the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

On motion of Mr. Galt, seconded by Mr. Holton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying for a Return of all Debentures issued under the provisions of the Consolidated Municipal Loan Fund Act, up to the 1st September instant, stating the Names of the Municipalities, the object of each issue, the date of By-Law authorizing the same, the date of issue of Debentures, the place where payable, the time when due, the amount paid to the Receiver General on account of interest and sinking fund in each case, and the amount paid by the Receiver General on account of the same; together with a statement of the proceeds derived from the sale of such Debentures.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Petition of Henry Mulholland be referred to the Standing Committee on Contingencies.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill for the relief of a Religious Congregation at Montreal denominated the German Evangelical Church.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

(135)

Ordered, That the Select Committee to which was referred the Bill to amend the Criminal Law of Canada, have leave to report from time to time.

The Honorable Mr. Cameron reported from the Select Committee on the Bill to amend the Criminal Law of Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to authorize the Town of London to raise Sixty thousand pounds to consolidate the Debt of the Town, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to incorporate a Company for the purpose of erecting an Hotel in the Town of London.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Several members expressed the opinion that there ought to be a general law for the latter purpose.⁶

MR. MACKENZIE objected to the bringing before the House [of] such bills. They

ought to be embodied in a general one, and was surprised as there were so many lawyers in the House that they did not bring one in.⁷

MR. CAUCHON agreed with Mr. McKenzie.⁸

MR. J. MORRISON also agreed that there ought to be a general bill, but he had brought in the present one in its existing state in consequence of the absence of the Honble. member for London whose bill it was.⁹

(135)

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the first branch of the duties referred to them, viz: that of causing a renewal of the several Contracts for Printing, Binding, and the supply of Printing Paper.

Your Committee, after mature deliberation, have unanimously agreed to recommend that in future the several Contracts for Printing should be made to apply to a longer period than at present, say, to the whole work of a Parliament, or to that of a complete Session.

To enable Your Committee to carry out this arrangement, they have required that the present Contract for the Sessional Printing shall continue for the remainder of this Session, and recommend that the Contract for the Journals be also continued at a small advance in composition only, which would not be higher in price, in the opinion of Your Committee, than might be expected at present, under the usual competition of Tenders; thus enabling them towards the close of the present Session to make such an alteration in the plan heretofore followed, of entering into Contracts in the middle of a Session for parts of two Sessions, as will authorize the advertizing for Tenders for the whole of the above work and materials, either for a Session from its commencement, or for the remainder of the Parliament, which ever may at the time seem to secure to Your Honorable House this branch of service being performed with the greatest advantage and economy.

MR. STEVENSON presented the first report of the Standing Committee on printing, and made some remarks to the effect that it was necessary to give contracts out early as inconveniences resulted from not pursuing that course.¹⁰

(135)

Ordered, That the said Report be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to amend the Toronto Esplanade Act, being read;

MR. CAMERON introduced the bill to amend the Toronto Esplanade Act, and in doing so, said that the original bill allowed the expenditure of £100,000, and that at least £50,000 more would be required. He then made some other remarks in references to the details of the bill.¹¹

(135)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday the twenty-sixth day of October next.

The Order of the day for the second reading of the Bill to amend the Act of last Session relative to the enregistration of the Articles of Clerkship of Law Students, being read;

The Bill was accordingly read a second time; and referred to a Select Committee,

(136)

composed of Mr. Charles Daoust, Mr. Lemieux, Mr. Antoine Aimé Dorion, Mr. Loranger,

and Mr. Ferres, to report thereon with all convenient speed; with power to send for persons, papers and records.

The House, according to Order, resolved itself into a Committee on the Bill to compel the attendance of Witnesses upon the Superior Courts in any part of Canada;

[MR. CAMERON] said that since he had introduced the bill, it was satisfactory to him to learn that the Judges of the Superior Courts had expressed themselves as highly favorable to the bill.¹² [He] stated that he had received letters from the Judges of the Superior Courts of Upper Canada, approving of the measure.¹³ M. Cameron, le moteur, donne des explications sur les différentes clauses de ce bill, desquelles il paraît que le bill a été amendé tellement qu'il s'applique actuellement, non seulement aux témoins d'une partie de la province devant les cours de l'autre partie, mais aux témoins demeurant dans une section du Bas-Canada, devant les cours des autres sections. Les parties à un procès n'auront pas le plein droit de faire comparaître les témoins demeurant dans une autre juridiction; cela sera laissé à la discrétion de la cour devant laquelle le procès a lieu, sur la motion des parties. Dans le cas où la cour refuserait l'application, on a encre (sic), comme à présent, le pouvoir de faire émaner une commission rogatoire. Si un témoin est appelé d'une partie de la province à l'autre, ses dépenses doivent lui être payées d'avance. Mais les dépenses ne tombent sur la partie qui perd dans le procès qu'en autant qu'il aurait eu à payer pour une commission rogatoire, à moins que la cour ne certifie qu'il y avait bonne raison pour la comparution.¹⁴

MR. MACKENZIE objected to the bill. Why should a person be hauled from one place to another at the mere whim of the judge.¹⁵

MR. FREEMAN suggested some alterations.¹⁶

MR. J.S. MACDONALD thought that the bill was very much required, and had been looked for for some time. It gave the just power to compel a witness to give his testimony before judge and jury, instead of taking his evidence by commission. It was much better to have oral than written testimony.¹⁷

MR. PROV. SEC. CHAUVEAU was not in favor of the bill and briefly stated his reasons in French.¹⁸

MR. PROV. SEC. CHAUVEAU et MR. COM. PUB. WORKS CHABOT, demandent la remise du comité pour quelques jours¹⁹.

MR. CARTIER.--As a member of the legal profession had found great difficulty in issuing commissions for the examination of witnesses, which, when returned, were never satis[f]actory, or at best, were set aside on the ground of informality. He was in favor of the bill.²⁰

MR. COM. PUB. WORKS CHABOT said he should oppose the bill in some of the details. Thought it was better to have the bill referred to a special committee. Complained that he had not had a copy of the bill. He was not opposed to the principles of the bill, only its details.²¹

MR. ALLEYN was in favor of the bill being carried out. The House was much indebted to the honorable mover for introducing it.²²

MR. MACKENZIE always found the judges ready to extend their own powers, and this bill being carried through by railroad legislation was the very thing that suited them.²³

MR. PAPIN spoke in favor of the principles of the bill and considered the system

of issuing a commission rogatoire bad. It very often happened that it left things obscure which were necessary to elucidate the case, or gave evidence in a partial manner, and, it was then necessary to commence again, but when a witness was brought before a jury he was then and there questioned and every body could hear what he had to say.²⁴

MR. SOL. GEN. D. ROSS was not opposed to the principles of the bill, but there was not sufficient provision made in the bill for the mode in which a witness was to be proceeded against, and he would suggest to add a clause to meet that omission.²⁵

MR. DUFRESNE made a few remarks in French²⁶.

After a slight discussion in which amendments were introduced, which were reported and agreed to, the bill was ordered to be read a third time to-morrow.²⁷

(136)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Powell reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Powell reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Then, on motion of the Honorable John Sandfield Macdonald, seconded by Mr. Crawford,

The House adjourned.

[NOTICE OF MOTION FOR ADDRESS RE: PRINTING OF HISTORICAL DOCUMENTS
FROM LONDON AND PARIS AND REPRINTING OF EARLY CANADIAN PUBLICATIONS.]

MR. CAMERON [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General praying His Excellency to cause to be printed in addition to the documents mentioned in an address of this House, each of the documents that have been obtained from the Public Archives in Paris and in London, and are now in manuscript in the Library of Parliament, and in the Library of the Literary and Historical Society of Quebec, or that may be procured hereafter, as shall be found of sufficient interest in a legal or historical point of view; and also to cause to be reprinted such of the works published in the early history of the Country, as may be of great value and have become very scarce, the said works or documents to be printed in such form and with such notes and maps as may be found proper, and assuring His Excellency that this House will make good the necessary expense to be incurred for the aforesaid objects.²⁸

[NOTICE OF MOTION RE: COMMITTEE ON SELLING PARLIAMENT BUILDINGS' SITE
AND RUINS.]

CAPT. RHODES [gave notice that] on Monday next [he would move] that a Committee be appointed to report on the expediency of selling the site and ruins of the late House of Assembly at Quebec.²⁹

[NOTICE OF MOTION RE: COMMITTEE ON AGRICULTURAL LOAN SOCIETIES.]

MR. BUREAU--Donne avis que, lundi prochain, il fera motion qu'un comité spécial de cette chambre soit nommé pour examiner s'il ne serait pas nécessaire, pour promouvoir les intérêts agricoles du Canada, d'établir des banques de crédit foncier et agricoles, avec pouvoir d'envoyer quérir personnes, papiers et records, et de faire rapport de temps à autre de ses procédés.³⁰

[NOTICE OF MOTION: TO STRIKE J.S. MACDONALD FROM GENERAL ELECTION
COMMITTEE.]

MR. SOL. GEN. D. ROSS [gave notice that] to-morrow [he would move] that this House disapproves of the Warrant of the Honorable the Speaker appointing the Honble. William Hamilton Merritt, member for the County of Lincoln; Antoine Polette, Esquire, member for the Town of Three Rivers; John Langton, Esquire, member for the County of Peterborough; John Sewell Sanborn, Esquire, member for the County of Compton; Joseph Curran Morrison, Esquire, member for the Town of Niagara; and the Hon. John Sandfield Macdonald, member for the County of Glengarry, to be members of the General Committee of Elections for the present Session and laid on the table of this House on the 26th instant; but so far only as the said Warrant relates to, and appoints the Honble. John Sandfield Macdonald as one of the said Committee.³¹

[NOTICE OF QUESTION RE: QUEBEC AND POINT LEVI FERRY.]

MR. ALLEYN [gave notice that] on Monday next [he would make] Enquiry of Ministry whether the Government intends to put the right of Ferry between the City of Quebec and Point Levi to Auction, and to make regulations for the proper management thereof.³²

[NOTICE OF QUESTION RE: AMENDMENTS TO JUDICATURE ACT TO ABOLISH
RIGHT OF APPEAL TO ENGLISH PRIVY COUNCIL.]

MR. C. DAOUST (Beauharnois) [donne avis que] lundi prochain [il] demandera au ministère si c'est son intention de prendre des mesures pour abolir le writ d'appel en Angleterre au conseil privé de sa majesté britannique, des jugements rendus par les tribunaux de cette province, comme on peut le faire maintenant, en vertus (sic) de lois existantes.³³

[NOTICE OF QUESTION RE: PRIMARY SCHOOL GRANTS.]

MR. DUFRESNE [donne avis qu'il] demandera au ministère, lundi prochain, si c'est l'intention du gouvernement d'introduire pendant la présente session de la législature, une mesure pour augmenter l'octroi annuel pour le soutien des écoles primaires en cette province; si oui, de quel montant.³⁴

FOOTNOTES: 28 SEPTEMBER 1854.

1. MACKENZIE'S WEEKLY MESSAGE, 6 October 1854, notes: "Messrs. Munro, Brown, Rolph, and others, go up the country to-day. Messrs. Dewitt, Young, Galt and Holton, have returned to Quebec." LE PAYS, 3 October 1854, comments: "Il n'y a presque pas de débats ce soir."
2. LE PAYS, 30 September 1854.
3. IBID.
4. Telegraph (GLOBE, 29 September 1854).
5. Telegraph (MORNING CHRONICLE, 29 September 1854), refers to "Mr. Somerville's bill to incorporate Huntingdon Academy."
6. Telegraph (MONTREAL GAZETTE, 30 September 1854).
7. MORNING CHRONICLE, 30 September 1854.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. MORNING CHRONICLE, 30 September 1854. TORONTO LEADER, 4 October 1854, comments: "The only subject which elicited any discussion in the Legislative Assembly ... was Mr. Cameron's bill to enable the Superior Courts to issue process to compel the attendance of witnesses residing in one section of the Province, in the other section."
13. TORONTO LEADER, 4 October 1854.
14. LE PAYS, 3 October 1854.
15. MORNING CHRONICLE, 30 September 1854.
16. IBID.
17. IBID.
18. IBID.
19. LE PAYS, 3 October 1854.
20. MORNING CHRONICLE, 30 September 1854.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. LE PAYS, 3 October 1854.
31. MONTREAL GAZETTE, 2 October 1854.
32. MORNING CHRONICLE, 30 September 1854.
33. LE PAYS, 3 October 1854.
34. IBID.

FRIDAY, 29 SEPTEMBER 1854.

(136)

MR. Speaker reported to the House, That the Recognizance to the Petition of Robert Simpson, Esquire, complaining of an undue Election and Return for the County of Argenteuil, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of Jean Langlois, Esquire, complaining of an undue Election and Return for the County of Saguenay, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of William Farwell, Esquire, complaining of an undue Election and Return for the United Counties of Drummond and Arthabaska, is unobjectionable.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Jean Baptiste Eric Dorion,--Two Petitions of the Reverend David Dunkerly and others, of Durham, County of Drummond; the Petition of Louis Richard and others, of Stanford; and the Petition of the Reverend Narcisse Pelletier and others, of the Township of Stanford, County of Drummond and Arthabaska.

By Mr. Bowes,--The Petition of the Managers of the Orphans' Home and Female Aid Society, Toronto; the Petition of William Rees, of the City of Toronto; and the Petition of the Right Reverend the Roman Catholic Bishop of Toronto.

By Mr. Bureau,--The Petition of the Reverend Francis Morrison and others, of the Parish of St. Cyprien.

By Mr. Joseph Curran Morrison,--The Petition of Peter Freeland and others, Members and Friends of the Upper Canada Bible Society.

By the Honorable Mr. Merritt,--The Petition of William Adams and others, of the Township of Louth.

By Mr. Flint,--The Petition of C.G. Levesconte and others; and the Petition of the Town Council of the Town of Belleville.

By Mr. Matheson,--The Petition of Otterville Division, No. 257, of the Order of the Sons of Temperance.

(137)

By the Honorable Mr. Chabot,--The Petition of Mrs. M.L.C. Panet and other Ladies, of the City of Quebec.

By Mr. Solicitor General Ross,--The Petition of George Desbarats and others, Associates in the St. Lawrence Mining Company; and the Petition of the Reverend F. Tremblay and others, of the Township of Stukely, County of Shefford.

By Mr. Galt,--The Petition of the Members of the Sherbrooke Library Association; and the Petition of J.S. Walton, of Sherbrooke.

By Mr. Mackenzie,--The Petition of James Voller.

Pursuant to the Order of the day, the following Petitions were read:--

Of P.A.C. Munro and others, Physicians and Surgeons, Professors of the Montreal School of Medicine and Surgery; praying for certain amendments to the Act incorporating the said School of Medicine.

Of the Municipality of the Township of Malahide; praying for the passing of an Act to incorporate the Southern Union Railway Company.

Of A.M. Delisle and others, of the City of Montreal; praying for the passing of an Act to incorporate a Company to provide a good system of drainage through the said City, in connection with water from the Lachine Canal.

Of Sister Ste. Jeanne de Chantal and others, Sisters of Mercy, Directresses of L'Hospice de la Maternité de Montréal; praying for aid.

Of the New York, Newfoundland, and London Telegraph Company; praying for the passing of an Act to confirm or re-enact their Charter,--that aid may be extended them,--and also that the Provincial Guarantee may be granted for the interest on One hundred thousand pounds sterling, of their Bonds, at twenty years.

Of the North Shore Railway Company; praying for the passing of an Act to authorize the said Company to construct Docks in the River St. Charles.

Of the North Shore Railroad Company; praying for certain amendments to their Act of Incorporation.

Of Gideon Smith and others, of the Township of Glanford; of John Downey and others, of Danville and vicinity, in the Township of Shipton, County of Sherbrooke; of Gardner Church and others, Sons of Temperance, and others; and of Catherine Anderson and others, Daughters of Temperance, and others; praying for the passing of a Prohibitory Liquor Law.

Of Lester Ball and others, at Sutton and other Townships; praying that the Townships of Sutton, Potton, Bolton, Brome, and the east part of Farnham, may be set apart as a separate County, under the name of the County of Brome.

Of John Young and others, of the City of Quebec; representing that their properties were destroyed by the falling of the Rock in Champlain Street, Lower Town, Quebec, whereby they have been left destitute, and praying for aid in the premises.

Of Lady Caldwell and others, the Ladies Managers of the Male Orphan Asylum of Quebec in connection with the Church of England; praying for aid in behalf thereof.

Of L. Launière and others, the School Commissioners of the Village of St. Michel, County of Bell[e]chasse; praying for aid in behalf of a High School established in the said Village.

Of T.H. Pacaud, of the Parish of St. Maurice, Esquire, Justice of the Peace for the District of Three Rivers; complaining that the Government have unjustly dispossessed him of the St. Maurice Bridge, and carried on an Action of Law for that purpose, and praying for the discontinuance of the said Action, and indemnity for the loss he has already sustained by the said proceedings.

Of George Blais and others, of the Parishes of St. Jean Port Joli, and St. Roch des Aulnets; praying for the construction of a wharf or pier.

Of A.J. Parker and others, of Danville and its vicinity; praying for aid in behalf of the Danville High School.

(138)

Of the Corporation of the College of Chambly; praying for aid.

Of Joseph D. Ridout and others, on behalf of the Canadian Order of Odd Fellows in connection with the Manchester Unity; praying for an Act of Incorporation.

Of F. Marchand, President, and others, on behalf of the Academy of St. Johns; praying for aid.

Of the Town Council of the Town of Bytown; praying for the passing of an Act creating the said Town a City, under the name of the City of Ottawa.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find that the requisite Notices have been given, in each case, viz:--Of Thomas Jenkins and others, of the Village of Vienna, County of Elgin; of Bartholomew Galvin, of the Town of London; of the President and Directors of the City Bank of Montreal; of the Municipality of the Township of Otonabee; of the Provincial Insurance

Company of the City of Toronto; and of the President, Directors and Company of the Louth Harbour.

On the Petition of the Montreal and Vermont Junction Railway Company, praying for certain amendments to their Charter, the only Notice proved before Your Committee is that in the Canada Gazette. The Committee have examined the amendments proposed to be made, and finding them to be of a general nature, they beg to recommend that the Notice be considered sufficient.

On the Petitions of Andrew Stuart, Esquire, and others, of Quebec, for incorporation of the Quebec and St. Francis Mining and Exploring Company,-- and of James Douglas and others, of the City of Quebec, for incorporation of the Megantic Mining Company, Your Committee find that the parties, in both instances, propose to carry on their operations in the Districts of Quebec and St. Francis, while their Notices have been published in the District of Quebec only. Your Committee therefore beg to recommend that both Companies be required to confine their operations to the District of Quebec.

The Petition of John Sharples, Esquire, and others, the Committee of Management of the Congregation of Catholics of Quebec speaking the English language, praying for an Act of Incorporation, is not of such a nature, in the opinion of Your Committee, as to require a Notice under the 62nd Rule.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill further to amend the Act incorporating the Montreal and Vermont Junction Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Cooke have leave of absence for two weeks.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to extend the time for completing the Louth Harbour.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to incorporate the Sorel, Drummondville, and Richmond Railway Company.

He accordingly presented the said Bill to the House, and the same was re-

(139)

ceived and read for the first time; and ordered to be read a second time on Friday the thirteenth day of October next.

Ordered, That Mr. Langton have leave to bring in a Bill to empower the Municipal Council of the Township of Otonabee to exchange certain Concession Lines in the said Township.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Southwick have leave to bring in a Bill to incorporate certain persons under the style and title of the Otter Creek Navigation Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixteenth day of October next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Act for the incorporation of the Provincial Insurance Company of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to establish and confirm the original Survey of the Concession Lines in the Township of Niagara.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill to incorporate the Megantic Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill for the relief of Bartholomew Galvin.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the Congregation of the Catholics of Quebec speaking the English language.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-third day of October next.

Ordered, That so much of the Report of the Commissioners of Public Works as has reference to the management of the Public Revenue, be referred to the Standing Committee on Public Accounts.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the Quebec and St. Francis Mining and Exploring Company.

(140)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to establish Courts of Conciliation in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the thirteenth day of October next.

MR. MACKENZIE moved to appoint a Select Committee of five members, with directions to draft and report a bill providing that the members of the Legislative Assembly at all stated general elections, shall be nominated on one and the same day, throughout Canada; and that the election days in cases of contests shall be the same in every constituency; as also, that a reasonable time, to be stated in the bill, should intervene before an election, in case of any dissolution of the Legislative Assembly before the expiration of its stated term; and to provide, that when any Legislature shall have expired at the close

of its term, the then next ensuing election shall always take place at a time of the year convenient for the electors, and to be named in the bill. He objected to the discretionary power of bringing on elections by ministers acting on the Crown by their advice; and instanced the late elections in the middle of harvest as proving the disadvantages of the system. By the present plan a minister could run for some one constituency, and if he was rejected he could afterwards go away to Lanark or Chicoutim[i] to get elected. This system was jugglery. He desired to have every candidate nominated on the same day. At present one man could attend three or four elections. He wished members to understand that if they voted for the resolution they adopted the principle. It was not like the first reading of a bill which committed the House to nothing.¹

MR. COM. CR. LANDS MORIN said this was just the way the hon. member had of bringing questions before the House. He even admitted that he pursued a course which would at once commit the House to the principle of the proposal. If he had brought in a bill, he (Mr. Morin) would not have objected; but the matter was brought up in a shape which compelled the House to discuss the principle. He did not approve of the practice of special committees to report bills, and must oppose the motion.²

MR. O'FARRELL would support the motion for a very simple reason--that it would tend to decrease the already overwhelming power of the government.³

MR. J.S. MACDONALD said there might be some who would vote for the principle, but could not sanction the proposed mode of bringing on the question. The mover ought to bring in a bill, and then members would not be committed at the outset; but could reserve themselves for the discussion of the principle, at the second reading.⁴

MR. MACKENZIE said the gentleman who had spoken last had done the work of the ministry better than they could do it themselves; and the better way for him would be to cross the House. He (Mr. Mackenzie) was quite ready to take a division on the question, and let it be seen who were for the motion and who against it.⁵

(140)

Mr. Mackenzie moved, seconded by Mr. Holton, and the Question being put, That a Committee of five Members be appointed, with directions to draft and report a Bill providing that the Members of the Legislative Assembly, at all stated General Elections, shall be nominated on one and the same day throughout Canada, and that the Election days in cases of contests shall be the same in every Constituency; as also, that a reasonable time, to be stated in the Bill, shall intervene before an Election, in case of any dissolution of the Legislative Assembly before the expiration of its stated term; and that when any Legislature shall have expired at the close of its term, the then next ensuing Election shall always take place at a time of the year convenient for the electors, and to be named in the Bill to be reported by the said Committee; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Biggar, Bourassa, Daly, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Dufresne, Ferrie, Flint, Frazer, Freeman, Guévremont, Hartman, Holton, Lumsden, Mackenzie, Marchildon, Matheson, Prévost, Scatcherd, Southwick, and Young. --(24.)

NAYS.

Messieurs Alleyn, Bell, Blanchet, Bowes, Cameron, Cartier, Cauchon, Chabot, Chapais, Chauveau, Church, Crawford, Crysler, Jean B. Daoust, Dionne, Fortier, Fournier, Galt, Jackson, Labelle, Langton, John S. Macdonald, Roger McDonald, McCann, Meagher, Morin, Joseph C. Morrison, O'Farrell, Patrick, Poulin, Foullet, Rhodes, Solicitor General Ross, Shaw, Stevenson, and Taché.--(36.)

So it passed in the Negative.

On motion of MR. PREVOST⁶,

(140)

Ordered, That the Petition of Charles Smallwood, M.D., Secretary-Treasurer of the Terrebonne Agricultural Society, be referred to the Select Committee appointed to inquire into the state of Agriculture in Lower Canada.

Ordered, That Mr. Joseph Curran Morrison be added to the Standing Committee on Printing.

MR. CRAWFORD moved to suspend the 66th (sic) rule of the House as far as relates to the Brockville and Ottawa Railway Company for the extension of its charter. In the beginning of last Parliament a charter was obtained to construct a railway from Brockville to Pembroke. The company desired an alteration of its charter that would enable it to run the road to Lake Huron. The notice required had not been given in one of the counties; in the others it had.⁷

MR. HARTMAN said the bill to extend this charter gave most extraordinary powers in allowing the company to run a railway from Pembroke to any point on Lake Huron.⁸

MR. CAUCHON said that in justice to other companies which had to comply with the rules of the House he would vote against the motion. Let all companies come before the House on an equal footing. The rule of giving notice was one which should never be suspended but on extraordinary occasions.⁹

MR. CRAWFORD said there was the best understanding between the three companies whose lines ran over that part of the country.¹⁰

MR. CAUCHON said when he brought in a bill for the North Shore Railway and the Montreal and Bytown Railway no favor was shown to him. The hon. member for Brockville and the hon. member for Vercheres (Mr. Cartier) and himself wanted similar privileges, and they might agree to allow each what he required.¹¹

MR. LANGTON said the member for Montmorenci spoke as if he and the member[s] for Brockville and Vercheres could settle the whole matter among themselves; but after all the House would have something to say in the matter. No notice had been given by the Company of whose petition the member for Vercheres had charge.¹²

MR. CARTIER said that in the case of the Vaudreuil Railway Company, who desired power to extend their railway from Bytown to the Georgian Bay, Lake Huron and Lake Superior, notice had been given in the Montreal and Bytown newspapers. The notice asked for an extension of powers; but did not say to what point it was desired to extend the road.¹³

MR. LANGTON contended that the Company whose petition was entrusted to the hon. member for Vercheres had given no notice. They had merely said that they wanted an extension of their powers, which gave no information.¹⁴

MR. MERRITT would not run the risk of losing the railroad for want of compliance with the rule. He was prepared to dispute with the rule in every case.¹⁵

MR. CRAWFORD did not desire to confound the two cases. The Brockville and Ottawa Railway Company had given notice in the Canada Gazette, and the Brockville and Perth papers; and at the time they thought that sufficient.¹⁶

(140)

Mr. Crawford moved, seconded by Mr. Cartier, and the Question being put, That the 62nd Rule of this House be suspended as regards the Petition of the Brockville and Ottawa Railway Company;

The House divided:

(141)

Yeas, 18.

Nays, 33.

So it passed in the Negative.

Ordered, That Mr. Cartier have leave to bring in a Bill to amend the Act to incorporate the Vaudreuil Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the ninth day of October next.

MR. CAMERON moved an address to Her Majesty that she will be graciously pleased to have a measure introduced into the Imperial Parliament at its next session to repeal the 5th and 6th, William 4, chap. 62, sec. 15 so far as it relates to this Province. He was induced to propose this address on account of certain proceedings which had recently taken place in the courts of Upper Canada, and on account of which the judges had recently been in communication with him. The provisions of the Imperial Act which it was proposed to get repealed were so extraordinary that it was surprising how the legislature ever came to sanction them.--Under those provisions a party in England can make an affidavit that a person in Canada, owing him money, is about to leave the Province, and on that affidavit, without a particle of evidence, the person can be arrested. A case recently occurred where a commercial firm in England made an affidavit that an officer of the army, in Canada, owed them money and he was arrested upon that affidavit. In another case, which had been before the courts, in Upper Canada, a creditor in England made an affidavit that a person in Upper Canada owed him money; and on that affidavit alone he was required to answer a suit for a very large amount. The attestation of the documents, however, was defective, and the case fell through. Such a power as this ought not to exist for a single day.¹⁷

(141)

On motion of the Honorable Mr. Cameron, seconded by the Honorable John Sandfield Macdonald,

*Resolved, That the following humble Address be presented to Her Majesty:--
To the Queen's Most Excellent Majesty.*

May it please Your Majesty,

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada in Parliament assembled, beg leave respectfully to address Your Majesty, praying that Your Majesty will be graciously pleased to direct a Bill to be introduced at the next Session of the Imperial Parliament, to repeal so much of the Act of the Imperial Parliament passed in the fifth year of the Reign

of His late Majesty King George the Second, intituled, "An Act for the more easy recovery of Debts in His Majesty's Plantations and Colonies in America," and also of an Act of the Imperial Parliament passed in the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths,'" as enables Your Majesty, Your Heirs or Successors, or any person residing in Great Britain or Ireland, to make proof of any matter or thing relating to any debt or account claimed to be owing by or due from any person or persons in this Province, or relating to any lands, tenements, hereditaments, or other property, situate, lying or being within this Province, by Oath or Declaration as in the said Statutes mentioned.

Ordered, That the said Address be engrossed.

On motion of ... [MR. CAMERON]¹⁸,

(141)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return in detail of the sums received and expended by the Commissioners of the Toronto Harbour, from the first day of January one thousand eight hundred and fifty-three, to the thirtieth day of September instant.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Lemieux have leave to bring in a Bill to afford relief and make compensation to persons who, as Tenants under Emphyteotic Leases, improve the houses and buildings in obedience to certain By-Laws of the City of Quebec, passed for the prevention of accidents by fire.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Freeman have leave to bring in a Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

(142)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Galt have leave to bring in a Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the thirteenth day of October next.

MR. CARTIER, in the absence of Mr. Sol. Gen. Ross, rose and made the following motion:--"That the House disapproves of the Warrant of Mr. Speaker for the appointment of members to serve on the General Committee of elections, in so far as relates to the appointment as a member thereof of the Hon. John Sandfield Macdonald." The mover then said that in making this motion he was not, nor was the Solicitor General, actuated by any personal motives, only he

thought that the Committee had been unfairly struck by the Speaker. He did not wish to impute partizan feeling to the Speaker on that account, but he (Mr. C.) took it to be their duty not to let a Committee so important as this, which had the appointment of all the other Committees, pass without notice, or without making an attempt to get it more fairly constituted.¹⁹ He was requested to say by the mover [i.e. Mr. D. Ross] that he did not bring forward this matter on account of anything against the dignity, honor or character of the member for Glengary,²⁰ but he would press this motion, seconded by the hon. member for Nicolet.²¹

MR. COM. CR. LANDS MORIN said the Speaker had the power to appoint and the House to disapprove²². [He] did not consider that by this motion any reflection was cast upon the Speaker of the House, acting as he had done in his judicial capacity, nor was there any upon hon. members²³, or the gentleman proposed to be struck off. The Committee ought to be a fair representation of the different parties in the House as well as of the two sections of the Province.²⁴

MR. CAMERON did not understand the necessity of making this motion, and he thought that when a motion of this kind appeared with the name of the Sol. Gen. East on the back of it, that he ought to have been in his place.²⁵

MR. CARTIER.--The reason for his not being present was, that he left Quebec at five o'clock upon pressing business.²⁶

MR. CAMERON conceived that under the law as it stood before, when they had not a General Election Law, they would have selected the greater number of members to form this Committee from Lower Canada, when the questions to be discussed related to Lower Canada law, but he must confess that the gentleman proposed to be struck off was one who, from his position as late Speaker of the House, and his long acquaintance with the practice of the House, should have been left on the list. The present Speaker had the right to issue a new Warrant, if he pleased for these five hon. members, and there were no reasons why any one of the other names should not be taken off as well as the hon. member for Glengarry.²⁷ If one member of the Committee was disapproved the whole was; and the speaker might select a new Committee. He objected to this practice of requiring, on all occasions, an exactly equal number of persons from Upper and Lower Canada, as if they were for ever to be kept apart and no justice could be expected without such equal representation on Committees of the two sections of the Province.²⁸ This Committee had a peculiar duty of its own to perform, and he could not help thinking²⁹ that the fact of the great majority of the contested elections being for Lower Canada was a reason why the majority of the Committee should be from Upper Canada. They would, in that case, be likely to be free from local prejudice³⁰ or personal feelings, and he did not see, from anything which had fallen from the hon. member who made the motion, any reason why the hon. member for Glengarry's name should be struck off.³¹

MR. CAUCHON said, in the course of a few remarks, that³² [he] would be guided by the strength of the reasons adduced in favor of the motion.³³ Although he had no extraordinary sympathy with the hon. member for Glengarry, he would vote against the motion.³⁴

MR. MACKENZIE followed. Every one could clearly see that this was nothing else but a government measure. It was very plain that the Administration was a miserable piece of patchwork; the idea of a little matter like this being

brought forward proved their composition. He was astonished at it, and who could help being so? Look at the miserable shifts which Government had made, and what on earth could have induced them to make this motion? What was the meaning of it? Why it was contended that the most proper persons in this case to serve were those who live nearest the individuals who are mixed up with difficulties.³⁵ Certain friends of the ministry were returned by persons who had no existence; and the government wanted a committee to keep them in their places.³⁶ He was only sorry that the hon. Commissioner for Crown Lands was mixed up in this matter, considering the part that he had previously taken, and that he should come there and rise up to support a measure of this character. He (Mr. M.) could not have believed unless he had seen it. The hon. member for Vercheres, in having brought forward this motion, was unfit to occupy that chair which he had assumed on the ministerial side. Hon. members need not imagine for one moment that he wished to be on any of their Election Committees,—not a bit of it. He had always solicited the favor of being excused. As far as the hon. member for Vercheres went, he did not like that the Grand Trunk Railway should be affected by any change made in the House. He hoped that if there was any sort of manliness in hon. members opposite, that they would withdraw this motion, for it was a shabby thing.³⁷

MR. PROV. SEC. CHAUVEAU.—As the hon. member for Haldimand had given him credit as though he (Mr. C.) had spoken upon this motion, he thought he would say a few words. The hon. member for Haldimand had as usual made attacks upon the government, as indeed, he had made upon the late administration, and, doubtless, would upon any other. He seemed to believe that the law relied altogether upon the oath to be administered by the members of these Committees, that they ought not to care on which side of the House members forming that Committee sat on, or in what part of Canada they lived, but that all is to be regulated by the oath. If such had been the case the law would not have put it in the power of the House to affirm the decision of the Speaker.³⁸ The law wisely took cognizance of a weakness of human nature; that a man, without any intention to do wrong, may in spite of himself be influenced by national or religious predilections; the law being based upon that view of the case, wisely provides that the House shall review the selections of a speaker and see that justice is done to all parties.³⁹ If the hon. member for Haldimand found that one of these Committees was not to his liking, that hon. member (Mr. C.) well knew, would not be the last to rise and move for a revision of its members. He was just as ready to do it as the hon. member for Chicoutimi, whom he on all occasions was in the habit of attacking, for which he had good reasons. The charge which the hon. member for H. had made against the government was unjust. A measure which emanated from the government side of the House must not always be taken to be a government measure (hear, hear.) This Committee had been appointed with great care, and for a particular purpose—of giving satisfaction to all, and of selecting particular members to sit upon each particular election case. It was requisite that the position of those members should not be such in the House as to place them in antagonistic positions with the member applying to take his seat.⁴⁰ The Committee, having to deal with all contested seats, should be composed of persons who are not violently opposed to any member whose seat is contested. Its members should also be persons who have a knowledge of the circumstances which may come before them.⁴¹ It is ridiculous for hon. members to assert that no line could be drawn between Upper and Lower Canada in these matters. Could Mr. McKenzie pretend to say that he had that cognizance of particular circumstances existing in Lower Canada which he might have of those in Upper Canada? With regard to

the hon. member for Glengarry there was another circumstance which would induce him to vote with the hon. member for Vercheres, because it was right to show charity to the member whose seat is contested. A few days ago they had the hon. member attacking a gentleman of that house⁴² (Mr. Roblin) whose seat is contested; he had declared that he was not properly in the House, and, that his election had been secured by illegal votes. This prejudging of one of the cases that must come before the election committee was a sufficient reason of itself for striking the name of the member for Glengarry from the Committee.⁴³

MR. MARCHILDON would vote against the motion.⁴⁴

MR. MERRITT exceedingly regretted that the hon. member for Vercheres should have taken up this subject at all. That hon. member had stated that it was not done out of anything personal to the hon. member for Glengarry; but what was this motion, in fact, he would ask? Why, a direct censure, and it came with a very ill grace from a member of the administration and not from the government. He (Mr. M.) hoped that his hon. friend would give it up, otherwise the country would put down the hon. member for Glengarry as a prescribed man, and take it as a direct censure upon the judgment of the hon. Speaker, if the vote went against them. These were the facts. Hon. members might govern their votes accordingly. Therefore, whatever they might say they must look at the result; and it was for those reasons that he should vote against the motion.⁴⁵

MR. MACKENZIE said that in the last Parliament, the majority of the members of this Committee was from Lower Canada and not a single objection was made.⁴⁶

MR. LEMIEUX, in French,⁴⁷ [said] the system that was followed formerly had always proved to be the best, namely, that of selecting a committee from both sides of the Province. Without wishing to censure Mr. Speaker, he found upon the Committee more names from Upper Canada than Lower. It was for that reason that he would vote for the motion. He also wished to be understood as not imputing to the hon. member for Glengarry any motives that were improper. He did not see that it was a ministerial question—it was nothing but a simple question of privilege of this chamber.⁴⁸ There ought to be on the committee three members from each section of the Province.⁴⁹

MR. POWELL.—When he heard of the extraordinary motion proposed by the hon. member for Vercheres, and supported by such insignificant reasons as those which he had given for it, he (Mr. P.) felt that indignation generally, he believed, entertained by hon. members of the House. [He] was pleased to find that the honorable member for Toronto had so admirably expressed the views which he (Mr. P.) entertained on the subject of this motion. He (Mr. P.) certainly felt the difficulty of his position as a Ministerialist, if he were called upon to support such resolutions as were before the chair. It was only the other night that the honorable member for Chicoutimi announced, that in the consideration of those resolutions, a feeling of indifference should exist as to whether the members to form the Committee were selected from Upper or Lower Canada, and he (Mr. P.) approved of that sentiment, for he believed that the time had arrived, when the members of that House should forget the distinction between the two sections, but they should be selected indifferently from the House according to their capacity to discharge their duties as Committee men. He believed that this Union should not be a mere union of hands, but of hearts also, and if they professed to legislate as statesmen,

they should select what was good to both Provinces, and make the basis of the Legislation of this Country instead of being influenced by local feelings, principles or opinions (hear hear!) He should not have offered any opinion in addition [to] what had fallen from the honorable member for Toronto, except that the honorable Provincial Secretary had offered an argument of a new and totally different kind. He had stated the ground of his objection to the Election of the honorable member for Glengary as being the fact that that honorable member expressed his opinion relative to an Election in Upper Canada the other night. The honorable member for Vercheres deprecated any feeling with respect to the honorable member for Glengary, and deprecated introducing any charge of partiality, and deprecated the idea of insinuating that he would be influenced by any improper motives, yet he had been followed by the Provincial Secretary, who had stated that he took his position from the fact that the honorable member for Glengary had expressed his opinion in the way he did with regard to the election of Mr. Roblin. Now if that honorable member did so state, there was not an honorable man, in that House, who had not expressed the same opinion⁵⁰ in private.⁵¹ The honorable member for Glengary said that the honorable gentleman had been admitted by votes which no member had ever before been elected with, and that they, in order to elect him, brought into operation the New Elective Franchise Bill, and in saying this he (Mr. Powell) did not believe, that the honorable member for Glengary did say more than any other member in that House had said under similar circumstances, and he did not think that in the selection of these committees, this should prove any reason for preventing the honorable (sic) member being elected. He (Mr. P.) regarded the duties of those gentlemen who would be selected to these committees as of a judicial character entirely, and not as it was attempted to be characterized by the hon. member for Vercheres. That gentleman had got up and found fault about certain members not being selected from one and the other party, but he (Mr. P.) would state, that where men are sworn to do justice in their official capacity, that party feeling should be forgotten, and it ill became the hon. member for Vercheres to introduce it (hear! hear!) He (Mr. P.) had only to inform the government as far as he was individually concerned, that he was inclined to give them his generous support, but if they supposed, that in a matter where no reasons had been assigned that [but] from ... [mere] individual pique, they wished to deprive the honorable member for Glengary of his seat, as far as he (Mr. P.) was concerned, they would never receive support at his hands.⁵²

MR. LANGTON dit qu'on ne doit pas changer les nominations de M. l'Orateur sans quelque bonne raison donnée, car la loi lui commet la charge de former les comités, en foi de son impartialité. S'il y a quelque circonstance accidentelle, comme la parenté, telle que celle qui existait dans le cas du membre pour Montréal[1], dont le nom fut rayé de la liste l'autre soir parce qu'il était frère d'un des messieurs dont le siège est contesté, c'est une raison pour la personne ainsi disqualifiée de demander son propre congé. Mais il n'y a rien de tel dans le cas actuel; il n'y a aucune ra[i]son de rayer le nom de ce membre plus que le nom de tout autre membre du Haut-Canada qui se trouve sur le comité.⁵³ He should therefore not vote for the motion, because it would be casting a stigma upon the hon. member for Glengary. (Hear, hear.)⁵⁴

MR. DUFRESNE, in French,⁵⁵ [dit qu'il] s'attendait lors de l'introduction de cette motion, à entendre quelques raisons pour que la décision de M. L'Orateur soit mise de côté. Il n'en a entendu aucune, excepté celle qui est basée sur la distinction entre les deux parties de la Province. Comme partisan de

justice égale et de d[r]oits égaux, il serait toujours en faveur d'une égalité dans toute nomination où il s'agit de la prédominance du Haut-Canada sur le Bas-Canada, ou du Bas-Canada sur le Haut-Canada.⁵⁶ If the question were one of doing justice to Lower Canada, he should be ready to insist on its being done⁵⁷. Mais ce n'est pas le cas actuellement. Il s'agit seulement de rendre justice aux messieurs qui contestent quelques uns de[s] sièges de la Chambre⁵⁸. He saw no reason for an equal number of members from each section of the Province; and as the committee consisted of five members it was better that three of them should be from Upper Canada, as they would be less prejudiced in the cases to come before them, the great majority of which are from Lower Canada. It was said there were no personal reasons for objecting to the member for Glengarry⁵⁹. Il n'impute de motifs à personne; mais une chose le frappe, c'est que cette attaque est dirigée contre un membre qui n'est pas dans ce qu'on appelle l'odeur de sainteté avec l'autre côté de la Chambre, et que si on cherchait à imputer des motifs, on aurait pu en trouver davantage dans le cas actuel, chez l'hon. membre pour Verchères, que chez aucuns des autres membres.⁶⁰

MR. FELTON followed. Had great confidence in the hon. member for Glengarry. It was difficult though in the House to select men who were quite impartial. An equal number of members should be selected from both Provinces in his opinion. The Committee must be balanced, so that partialities would be frustrated as much as possible. It was competent for the Speaker to issue a new warrant altogether if he thought fit.⁶¹

MR. STEVENSON thought he should be very careful in setting precedents, and they should not give cause to suppose that the Committee would be actuated by political or party feeling in making motions in that House. He was sorry to hear the hon. member for Carleton saying that this was a Ministerial question. He (Mr. S.) thought it was very wrong to make any objection unless upon very strong grounds. The law was intended to place the power of appointing this Committee, not in the power of the House, and it was therefore placed in the hands of the Speaker, but as the Speaker might be influenced at some time to select the Committee, he might select one not acceptable to the House, which had the power to object. He (Mr. S.) would not be willing to encourage the suspicion, that a Committee is to act from party principle. If they admitted once, that the Speaker's appointment in this case may be objected to, upon the ground that any individual member advances, they might go on Session after Session without arriving at any conclusion. It must be very evident that a party in that House wished to keep out a set of men from Committees that he could object to the appointment of it, and if the precedent was once established, that any member may object to another member to form this Committee, from any feelings he might have, they would easily see that such an objection could easily be made any time when this Committee might be appointed. The subject ought never to be excited upon a question of this kind.⁶²

(142)

Mr. Cartier moved, seconded by Mr. Fortier, and the Question being put, That this House disapproves of the Warrant of the Honorable the Speaker appointing the Honorable William Hamilton Merritt, Member for the County of Lincoln; Antoine Polette, Esquire, Member for the Town of Three Rivers; John Langton, Esquire, Member for the County of Peterborough; John Sewall (sic) Sanborn, Esquire, Member for the County of Compton; Joseph Curran Morrison, Esquire, Member for the Town of Niagara; and the Honorable John Sandfield Macdonald, Member for the County of Glengarry, all Members of this House, to compose the General

Committee of Elections for the present Session, and laid on the table of this House on the twenty-sixth instant; but in so far only as the said Warrant relates to and appoints the said John Sandfield Macdonald as one of the said Committee; the House divided: and the names being called for, they were taken down as follow:

YEAS.

Messieurs Blanchet, Cartier, Chabot, Chauveau, Jean B. Daoust, Desaulniers, Dionne, Felton, Fortier, Fournier, Labelle, Lemieux, Meagher, Morin, Poulin, Pouliot, Rhodes, and Taché.--(18.)

NAYS.

Messieurs Bell, Biggar, Bourassa, Bowes, Bureau, Cameron, Casault, Caution, Church, Daly, Charles Daoust, Darche, DeLong, DeWitt, Jean B.F. Dorion, Dujreane, Flint, Frazer, Freeman, Galt, Guévremont, Hartman, Holton, Jackson, John, Langton, Lemieux (sic)⁶³, Roderick McDonald, Mackenzie, Marchildon, Matheson, Merritt, O'Farrell, Patrick, Powell, Prévost, Scatcherd, Shaw, Southwick, Stevenson, Valois, Wright, and Young.--(43.)⁶⁴

So it passed in the Negative.

MR. CAMERON desired to have the names read over as he saw some voting whose seats were contested. They could not vote according [to] the statute.⁶⁵

(142)

The Order of the day for the third reading of the Bill to compel the attendance of Witnesses upon the Superior Courts in any part of Canada, being read;

The Honorable Mr. Cameron moved, seconded by the Honorable John Sandfield Macdonald, and the Question being proposed, That the Bill be now read the third time;

MR. POWELL asked the member for Toronto to postpone the third reading till Monday. He (Mr. P.) should then be prepared with a rider. If this were refused he should move that the bill be re-committed, for the purpose of being amended.⁶⁶

MR. CAMERON objected to the postponement; because he should be as much opposed to the amendment which the member for Carleton desired to make on Monday as he was at present. The amendment which he (Mr. P.) proposed to move had been communicated to him (Mr. C.)⁶⁷ privately from his honorable friend⁶⁸; it was a proposal to give the power conferred by the bill to the Inferior as well as Superior Courts.⁶⁹ [He] might as well test the House upon it then as any other time.⁷⁰

MR. POWELL then would move his amendment forthwith; and he proceeded to put the motion that the house go again into committee on the bill, with the view of amending it, by extending the powers therein conferred on judges of the superior courts with reference to applications in the first instance for subpoenas to the county court judges in Upper Canada. He said that he would have moved this amendment while the bill was in committee, but should (sic) not from being called to the chair. He desired the house to adopt his amendment on the principle that he did not believe in legislating by peacemeal. If the bill were founded upon a correct principle, no good reason could be urged for not extending it to the county courts.⁷¹

Il explique que son but est de donner aux juges des cours de comté le pouvoir d'ordonner l'émanation des subpoenas aux témoins tels que contemplés par le bill devant la Chambre. Il ne veut pas leur donner le pouvoir de faire comparaître des témoins dans les causes qui viennent devant leurs propres tri-

bunaux; mais seulement quand il y a un procès dans une des cours supérieures, de permettre aux parties ayant besoin de témoins étrangers d'obtenir un ordre pour leur comparution devant la cour supérieure, du juge de la cour de comté.⁷² Here the hon. member dilated at some length on the inconveniences that country lawyers were obliged to put up with in the present centralized system, the burthen of which ultimately fell on the people for they had to pay the piper in the long run. He also spoke of the superiority of oral to written testimony, and could not see why the county court should be deprived of the advantages purposed (*sic*) to be conferred on the superior. He did not think the hon. member for Toronto, from the nature of his practice fully appreciated the difficulties of country lawyers; and he stated that without wishing to ascribe to him any unworthy professional jealousy, for he felt certain, that as a legislator he was far above that.⁷³ Sans cette modification du bill, il ne sera d'aucune valeur aux avocats qui demeurent hors de Toronto, parce que ceux-ci n'ont presque jamais l'occasion de s'adresser aux juges des cours supérieures excepté lors des circuits. Pour avoir l'avantage du bill, il leur faudra donc agir par l'intervention d'un agent à Toronto.⁷⁴ He (Mr. Powell) was sure of this much, that if a county judge were capable of adjudicating on the merits of a case brought before him, he ought to be capable of saying whether a witness should be sent for, or not.⁷⁵ He objected to the provision of the bill which confined the expenses of a witness to what a commission in the case would have cost.⁷⁶ He concluded by putting his motion.⁷⁷

MR. FREEMAN seconded it, and⁷⁸ said the discretionary power of issuing an order to compel the attendance of a witness was vested in the judge; but the mode or time of exercising it was not described in the bill. A practitioner in the country could not know what amount of facts will serve the judge to exercise the discretion to which alone the appeal is made. He may send a statement to the judge; and the latter may reply that he wants another little fact to convince him that he ought to issue his order. Nothing will be done; a large amount of expense incurred, and the suitors will have to bear the burthen. That, he felt sure, would be the practical operation, of the bill. The cases would be so few in which it would be necessary for a practitioner in Upper Canada, to obtain evidence from Lower Canada, that the country lawyers would never know what the decisions of the judges were, unless they had agents in the city to keep constantly advising them. A country practitioner might be three years before he would learn from any publication what the decisions were. He was in favor of the principle of the bill, and thought the power it conferred ought to be extended to the county courts, in cases, and in such cases only, as it may be exercised by the Superior Courts.⁷⁹ Country lawyers ought to enjoy as extensive privileges as those of Toronto.⁸⁰

MR. J.S. MACDONALD said if the power demanded for county Court judges were granted, where were you to stop? Many of these judges had but just been appointed, and was it to them that this power was to be committed in the first instance? He desired that the trial should first be made in the Superior Courts, and if its operation was such as to warrant the extension, after two or three years, he would be ready to extend the power to the County Courts.⁸¹

MR. CAMERON said the County Courts cannot now issue a commission; and if they desire evidence beyond their jurisdiction, it can only be had by application to a Superior Court to issue a commission. The law has wisely withdrawn from their jurisdiction the description of actions in which this power would generally be necessary.⁸²

MR. POWELL did not wish to give the power to the inferior jurisdiction of the inferior Courts. In a matter of this kind, where the question was whether a witness should be subpoenaed, the County Court Judges were just as able to act as the highest judges of the land.⁸³

(142)

Mr. Powell moved in amendment to the Question, seconded by Mr. Freeman, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with a view of amending the same, by extending the powers therein conferred on Judges of the Superior Courts with reference to applications in the first instance for Subpoenas to the County Court Judges in Upper Canada" inserted instead thereof;

(143)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Biggar, Bourassa, Bowes, Church, Jean E. Daoust, Dumais, Dupresne, Freeman, Jackson, Jobin, Lumsden, Matheson, Patrick, Poulin, Powell, Prévost, Scatcherd, Shaw, Southwick, Taché, and Valois.--(21.)

NAYS.

Messieurs Bell, Blanchet, Bureau, Cameron, Cauchon, Chapais, Chauveau, Daly, Charles Daoust, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Flint, Fortier, Fournier, Frazer, Galt, Guévremont, Hartman, Holton, Labelle, Langton, Larwill, John S. Macdonald, Rodk. McDonald, Mackenzie, Marchildon, Meagher, Merritt, Morin, Pouliot, Wright, and Young.--(34.)

So it passed in the Negative.

MR. DEWITT votera contre le bill, qu'il croit être des plus despotiques. C'est très bien de sauvegarder les intérêts des plaideurs, mais on doit regarder aussi un peu à l'intérêt des hommes d'affaires qui peuvent être contraints de s'éloigner de leurs propres demeures pour l'avantage d'autrui. Cela peut arriver dans un temps d'épidémie, ou dans toute autre circonstance intempestive. Il croit que cela est souverainement injuste.⁸⁴

(143)

Then the main Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Biggar, Bureau, Cameron, Cauchon, Chapais, Church, Daly, Charles Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Dupresne, Flint, Fournier, Galt, Guévremont, Hartman, Holton, Labelle, Langton, John S. Macdonald, Roderick Macdonald (sic), Marchildon, Meagher, Morin, O'Farrell, Patrick, Pouliot, Prévost, Shaw, Taché, and Young.--(34.)

NAYS.

Messieurs Bowes, Casault, Chauveau, DeWitt, Frazer, Lumsden, Mackenzie, Matheson, Merritt, Poulin, Scatcherd, Valois, and Wright.--(13.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to enable the Superior Courts of Law and Equity to issue process to compel the attendance of Witnesses out of their Jurisdiction, and to give effect to the service of

such process in any part of Canada."

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, being read;

(144)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of MR. CAMERON,⁸⁵

(144)

The House, according to Order, resolved itself into a Committee on the Bill to amend the Criminal Law of Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

Then, on motion of the Honorable Mr. Cameron, seconded by Mr. Mackenzie, The House adjourned until Monday next.

[NOTICE OF MOTION RE: COMMITTEE ON TRADE.]

MR. MERRITT [gave notice that] on Monday week [he would move] that the Hon. Francis Hincks, the Hon. John Young, Messrs. Mattice, Stevenson, Cartier, and Ferrie be a Committee to enquire into the present state of the Commercial Intercourse between Canada and Great Britain, the British North American possessions, the West India Colonies, the United States, and other Foreign Countries, with power to send for persons and papers, and to report thereon from time to time.⁸⁶

[NOTICE OF QUESTION RE: PARLIAMENT BUILDINGS' RUINS.]

MR. MARCHILDON [gave notice that] on Monday next [he would make] Enquiry of the Ministry, what the Government intend doing in respect to the ruins of the Parliament House which was destroyed by fire in the month of February last.⁸⁷

[WITHDRAWN MOTION RE: BILL FOR BIENNIAL ELECTIONS OF LEGISLATIVE ASSEMBLY.]

MR. MACKENZIE moved for leave to bring in a bill to provide for Biennial Elections of the Legislative Assembly, and to constitute a majority thereof the quorum for transacting public business.⁸⁸

MR. COM. CR. LANDS MORIN said he considered that the motion was not in order. An Imperial law stood in the way of the action proposed. He did not intend to enter into the merits of the question; but he contended that upon the question of order we had no right to legislate. As to the quorum, he did not think that much difficulty resulted from not requiring a majority of members to be able to transact business.⁸⁹

MR. J.S. MACDONALD thought members went to their constituents often enough; some went too often. Perhaps it was very easy for the member for Haldimand to get re-elected; but it was not so with all the members of the House. As to the principle proposed for the quorum, he thought, from what he had seen, it ought to be adopted.⁹⁰

MR. CARTIER referred to the case of the Senate of the State of New York, a year or two ago, when the minority conspired to stop all legislation. He did not propose to argue for or against a large quorum; but simply referred to the fact that a large quorum gave the power to the minority who could stop all legislation by absenting themselves.⁹¹

MR. MERRITT said the question of a quorum was of very little importance; but it was a most humiliating position to be placed in, that we could never move without addressing the Queen for power. The Constitution was one not made by ourselves, and it was never suited to this country. The first thing to be done was to make a constitution for ourselves. At present whenever a question of this kind came up we had to address the Queen and the address first goes to the colonial office; if it does not suit them, the matter goes no further; and our wishes are thwarted.⁹²

MR. MACKENZIE contended that the hon. Commissioners (*sic*) of Crown lands had not met the question on its merits. The question was whether we should pass a bill saying that it should take effect after another certain measure should

be passed in another country. There was nothing to prevent this. It was a far better way than that taken by the Commissioner of Crown lands some time ago, when he first addressed the Queen for power, with a view of afterwards legislating here. The effect of a small quorum was to give twenty-two or twenty-three members the power to pass all sorts of incorporation acts, at two or three o'clock in the morning; and he had often seen the hon. member for Lincoln one of the small number that forced measures through in this manner.⁹³

MR. PAPIN, in French, supported the motion.⁹⁴

MR. MACKENZIE said as there were several members in favor of the proposition but opposed to the proposed mode of procedure, he would withdraw the motion.⁹⁵

[CROWN LANDS OFFICE.]

DR. ROLPH gave the Assembly, t'other day, a really terrific account of the condition of the Crown Lands Office when it was handed over to him by his friend, Mr. Price. He drew a picture of "confusion" rarely equalled, and the house listened attentively.⁹⁶

FOOTNOTES: 29 SEPTEMBER 1854.

1. TORONTO LEADER, 6 October 1854.
2. IBID.
3. IBID.
4. IBID.
5. TORONTO LEADER, 6 October 1854. Telegraph (GLOBE, 30 September 1854), reported that Mr. Mackenzie withdrew his motion, "finding the sense of the House against it."
6. Telegraph (GLOBE, 30 September 1854).
7. TORONTO LEADER, 6 October 1854.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. Telegraph (GLOBE, 30 September 1854).
19. MORNING CHRONICLE, 2 October 1854.
20. TORONTO LEADER, 6 October 1854.
21. MORNING CHRONICLE, 2 October 1854.
22. TORONTO LEADER, 6 October 1854.
23. MORNING CHRONICLE, 2 October 1854.
24. TORONTO LEADER, 6 October 1854.
25. MORNING CHRONICLE, 2 October 1854.
26. IBID.
27. IBID.
28. TORONTO LEADER, 6 October 1854.
29. MORNING CHRONICLE, 2 October 1854.
30. TORONTO LEADER, 6 October 1854.
31. MORNING CHRONICLE, 2 October 1854.
32. IBID.
33. TORONTO LEADER, 6 October 1854.
34. MORNING CHRONICLE, 2 October 1854.
35. IBID.
36. TORONTO LEADER, 6 October 1854.
37. MORNING CHRONICLE, 2 October 1854.
38. IBID.
39. TORONTO LEADER, 6 October 1854.
40. MORNING CHRONICLE, 2 October 1854.
41. TORONTO LEADER, 6 October 1854.
42. MORNING CHRONICLE, 2 October 1854.
43. TORONTO LEADER, 6 October 1854.
44. MORNING CHRONICLE, 2 October 1854.
45. IBID.
46. TORONTO LEADER, 6 October 1854.
47. IBID.
48. MORNING CHRONICLE, 2 October 1854.
49. TORONTO LEADER, 6 October 1854.

50. MORNING CHRONICLE, 2 October 1854.
51. TORONTO LEADER, 6 October 1854.
52. MORNING CHRONICLE, 2 October 1854.
53. LE PAYS, 3 October 1854.
54. MORNING CHRONICLE, 2 October 1854.
55. TORONTO LEADER, 6 October 1854.
56. LE PAYS, 3 October 1854.
57. TORONTO LEADER, 6 October 1854.
58. LE PAYS, 3 October 1854.
59. TORONTO LEADER, 6 October 1854.
60. LE PAYS, 3 October 1854.
61. MORNING CHRONICLE, 2 October 1854.
62. IBID.
63. All newspapers which listed yeas and nays replaced Mr. Lemieux in the list of nays with Mr. Lumsden, leaving Mr. Lemieux in the yeas. This is likely correct, as Mr. Lemieux had supported the motion in debate.
64. TORONTO LEADER, 6 October 1854, comments: "On the announcement of the division, showing 17 votes for the motion and 43 against it, the countenance of the Opposition brightened up as if they had achieved an important victory." LE PAYS, 3 October 1854, noted: "M. Morin faisait pitié durant la discussion et surtout après le vote. Il est demeuré silencieux, mais il paraît avoir vivement senti le coup."
65. TORONTO LEADER, 6 October 1854.
66. TORONTO LEADER, 7 October 1854.
67. IBID.
68. MORNING CHRONICLE, 2 October 1854.
69. TORONTO LEADER, 7 October 1854.
70. MORNING CHRONICLE, 2 October 1854.
71. IBID.
72. LE PAYS, 3 October 1854.
73. MORNING CHRONICLE, 2 October 1854.
74. LE PAYS, 3 October 1854.
75. MORNING CHRONICLE, 2 October 1854.
76. TORONTO LEADER, 7 October 1854.
77. MORNING CHRONICLE, 2 October 1854.
78. IBID.
79. TORONTO LEADER, 7 October 1854.
80. MORNING CHRONICLE, 2 October 1854.
81. TORONTO LEADER, 7 October 1854.
82. IBID.
83. IBID.
84. LE PAYS, 3 October 1854.
85. TORONTO LEADER, 7 October 1854.
86. MORNING CHRONICLE, 2 October 1854.
87. IBID.
88. TORONTO LEADER, 6 October 1854.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. MACKENZIE'S WEEKLY MESSAGE, 29 September 1854.

MONDAY, 2 OCTOBER 1854.

(144)

JOHN LE BOUTILLIER, Esquire, Member for the County of Gaspé, having previously taken the oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Mr. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the fourteenth day of September last past, issued by His Excellency the Governor General, and addressed to the Returning Officer for the City of Kingston, (James Durand, Esquire,) appointed by Commission, for the election of a Member to represent the said City of Kingston in the Legislative Assembly, in the present Parliament, in the room of the Honorable John Alexander Macdonald who, since his election as the Representative of the said City of Kingston, had accepted an Office of profit under the Crown, to wit: the Office of Attorney General for that part of the Province of Canada called Upper Canada, by means whereof the seat of the said Honorable John Alexander Macdonald as the Representative of the said City of Kingston had become vacant, the Honorable John Alexander Macdonald has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the twenty-eighth day of the said month of September last, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,

Quebec, 2nd October, 1854,

Félix Fortier,

Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

Mr. Speaker also acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the fourteenth day of September last past, issued by His Excellency the Governor General, and addressed to the High Sheriff of the United Counties of Frontenac, Lenox, and

(145)

Addington, (Thomas A. Corbett, Esquire,) Returning Officer ex-officio for the County of Frontenac, for the election of a Member to represent the said County of Frontenac in the Legislative Assembly, in the present Parliament, in the room and place of Henry Smith, the younger, Esquire, who, since his election as the Representative of the said County of Frontenac, had accepted an Office of profit under the Crown, to wit: the Office of Solicitor General for that part of the Province of Canada called Upper Canada, by means whereof the seat of the said Henry Smith, the younger, Esquire, as the Representative of the said County of Frontenac, had become vacant, Henry Smith, the younger, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ of Election, dated the twenty-eighth day of the said month of September last past, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,

Quebec, 2nd October, 1854,

Félix Fortier,

Clerk of the Crown of Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of Jean Dion, of the City of Quebec, Pilot.

By the Honorable Mr. Cameron,--The Petition of Skeffington Connor and others, late Professors of Law and Medicine in the University of Toronto.

By Mr. Fergusson,--The Petition of the Municipality of the Township of Guelph.

By the Honorable Mr. Young,--The Petition of Samuel Phillips, of the City of Montreal, Teacher; and the Petition of the Medical Faculty of McGill College.

By Mr. Frazer,--The Petition of the Fonthill Library Association and Mechanics' Institute of the County of Welland.

By Mr. Mackenzie,--The Petition of Ferrand Smith and others, of the Township of Canborough, County of Haldimand.

By Mr. Casault,--The Petition of Eucher Dion and others, of the Parish of St. Thomas and Township of Montminy, County of Montmagny.

By Mr. Larwill,--The Petition of William Boylan and others, of Dawn, Euphemina, and the Gore of Camden.

By Mr. Charles Daoust,--The Petition of F.E.H. Pelletier and others, School Commissioners of the Parish of St. Eustache, County of Two Mountains.

By the Honorable John Sandfield Macdonald,--The Petition of the Clerk and other Officers and Servants of this House.

By Mr. Cauchon,--The Petition of the North Shore Railway Company.

By Mr. Egan,--The Petition of Michael Mulligan and others, of the Township of Ross, and other places in the County of Renfrew; and the Petition of W. Radford and others, of the Township of Clarendon, County of Pontiac.

By Mr. Alleyn,--The Petition of C. Alleyn, Esquire, and others interested in the Trade, Steam and General Navigation, and Agriculture, in the Districts of Montreal and Quebec.

By the Honorable Mr. Morin,--The Petition of the Reverend P.M. Mignault, Curé of Chambly.

By the Honorable Mr. Chauveau,--The Petition of Félix E. Juneau, Teacher, of St. Roch's, Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of Louis Roussy and others, Members of the Evangelical Society established at Grand Ligne, District of Montreal; praying for an Act of Incorporation under the name of the Evangelical Society of La Grande Ligne.

(146)

Of the Protestant Board of School Commissioners of the City of Montreal; praying aid for the construction of a School House in the Quebec Suburbs of the said City.

Of the Montreal Board of Trade; praying for certain amendments to the Law regulating the inspection of Pot and Pearl Ashes.

Of Jacques Viger, Esquire, President, and the Reverend A.F. Truteau, Secretary, on behalf of the Association of the School of St. Jacques, Montreal; praying for aid.

Of the Natural History Society of Montreal; praying for aid.

Of Rescue Division, No. 182; of Forest Division, No. 381; of Ridgetown Division, No. 190; and of Otterville Division, No. 257, all of the Order of the Sons of Temperance; of Alexander Brown and others, of the Township of Sombra; and of the Reverend David Dunkerly and others, of Durham, County of Drummond; praying for the passing of a Prohibitory Liquor Law.

Of William Workman and others, of the City of Montreal, Merchants; praying for an Act of Incorporation under the name of the Canada Ocean Steam Navigation Company.

Of the Quebec Library Association; praying for aid.

Of the Mayor and Councillors of the City of Quebec; praying for the passing of an Act to consolidate in one Act the Acts and Ordinances incorporating the said City.

Of the Reverend Edouard J. Crevier, of the Parish of Ste. Marie de Monnoir, Diocese of St. Hyacinthe; praying aid for a College and Convent established by him in the said Parish.

Of the Reverend Edouard J. Crevier, of the Parish of Ste. Marie de Monnoir, Diocese of St. Hyacinthe; praying an Act of Incorporation for the College de Monnoir.

Of the Reverend David Dunkerly and others, of Durham, County of Drummond; praying for aid in behalf of Durham High School.

Of Louis Richard and others, of Stanfold; praying that compensation be granted to Jurors attending the Courts in Lower Canada.

Of the Reverend Narcisse Pelletier and others, of the Township of Stanfold, County of Drummond and Arthabaska; praying for certain amendments to the Tavern License Laws for the suppression of Intemperance.

Of the Managers of the Orphans' Home and Female Aid Society, Toronto; praying for aid.

Of William Rees, of the City of Toronto; praying for an Act of Incorporation for a Society for the prevention of cruelty to animals.

Of the Reverend Francis Morrison and others, of the Parish of St. Cyprien; praying that the claim of the Fabrique of the said Parish for compensation for loss sustained during the Rebellion of 1837-8 may be granted.

Of Peter Freeland and others, Members and Friends of the Upper Canada Bible Society; praying for the passing of an Act to incorporate the said Society.

Of William Adams and others, of the Township of Louth; praying that the Petition of the Municipality of the said Township for an Act to authorize the Great Western Railway Company to erect a Station on the east side of the Twenty-Mile Creek, in the said Township, and to retain the Bridge across the said Creek in its present state, may not be granted.

Of C.G. Levesconte and others; praying for an Act of Incorporation under the name of the Moirs Works, for the manufacture of locomotives and other machinery.

Of the Town Council of the Town of Belleville; praying for the passing of an Act granting to the said Town Council the right of Ferriage across the Bay of

(147)

Quinté, from Belleville aforesaid to the Township of Amherstburg, County of Prince Edward.

Of Mrs. M.L.C. Panet and other Ladies, of the City of Quebec; praying for an Act of Incorporation under the name of the Lying-in Hospital of St. Joseph.

Of George Desbarats and others, Associates in the St. Lawrence Mining Company; praying for an Act of Incorporation.

Of the Reverend F. Tremblay and others, of the Township of Stukely, County of Shefford; praying for the passing of an Act of Betterment, whereby settlers without titles shall receive compensation for improvements made by them on the lands of absentees.

Of the Members of the Sherbrooke Library Association; praying for aid.

Of J.S. Walton, of Sherbrooke; praying payment of a certain amount due him as Clerk of the District Council of the late District of Sherbrooke.

Of James Voller; praying for a pension in consideration of his long services as a Messenger to the Legislative Assembly.

Of the Right Reverend the Roman Catholic Bishop of Toronto; praying for an Act of Incorporation under the name of St. Michael's College, in the Diocese of Toronto.

The Honorable William Hamilton Merritt, John Langton, Esquire, Joseph Curran Morrison, Esquire, and the Honorable John Sandfield Macdonald, being four of the Members appointed by Mr. Speaker to serve on the General Committee of Elections, and not objected to by the House, severally took the following Oath:

I do swear that I will truly and faithfully perform the duties belonging to a Member of the General Committee of Elections, without fear or favor, to the best of my judgment and ability. So help me God.

Mr. Speaker appointed To-morrow at Ten of the clock in the forenoon, in Committee Room No. 3, for the first meeting of the General Committee of Elections.

On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Langton, Ordered, That the Corrected Alphabetical List of Members to serve on Election Committees, be referred to the General Committee of Elections.

Ordered, That the Petition of Daniel Anderson, of the Township of South Dumfries, in the East Riding of the County of Brant, Esquire, and others, Electors in the said East Riding of the said County, complaining of an undue Election and Return for the said East Riding of the County of Brant, be referred to the General Committee of Elections.

Ordered, That the Petition of Benjamin Seymour, of Bath, in the Incorporated County of Lenox and Addington, Esquire, and others, Electors for the said County, complaining of an undue Election and Return for the said County, be referred to the General Committee of Elections.

Ordered, That the Petition of John Greaves Clapham, of the City of Quebec, Esquire, complaining of an undue Election and Return for the County of Megantic, be referred to the General Committee of Elections.

Ordered, That the Petition of the President, Directors and Company of the Louth Harbour, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Mackenzie reported from the Select Committee on the Bill to exempt the tools or implements of any Debtor's trade or calling, and the wearing apparel, the bedding, and other furniture necessary for the use of his family, from seizure

(148)

and sale under execution for debt, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

On motion of MR. COM. PUB. WORKS CHABOT,¹

(148)

Resolved, That this House will, at the rising of the House this day, adjourn until To-morrow at eleven o'clock in the forenoon.

Ordered, That the Petition of George Okill Stuart, of the City of Quebec, Esquire, Advocate, George Honoré Simard, of the same place, Esquire, Merchant, and Hypolite Dubord, of the same place, Esquire, Merchant, complaining of an undue Election and Return for the City of Quebec, be referred to the General Committee of Elections.

Ordered, That the Petition of George Okill Stuart, of the City of Quebec, Esquire, Advocate, complaining of an undue Election and Return of Jean Blanchet, Esquire, one of the Members for the City of Quebec, be referred to the General Committee of Elections.

Ordered, That the Petition of Thomas Devaney, of the Township of Inverness, in the County of Megantic, Farmer, Adam Bailey and John Ross, both of the Township of Leeds, in the same County, Farmers, and Robert Rickaby, William Gunston, William

F. Rickaby, and John Smith, all of the Township of Inverness aforesaid, Farmers, complaining of an undue Election and Return for the County of Megantic, be referred to the General Committee of Elections.

Ordered, That the Petition of the Members of the Sherbrooke Library Association be printed for the use of the Members of this House.

On motion of the Honorable Mr. Cameron, seconded by the Honorable John Sandfield Macdonald,

Resolved, That an humble Address be presented to His Excellency the Governor General, informing His Excellency that this House has voted an humble Address to Her Majesty, praying that Her Majesty will be pleased to cause a Bill to be brought into Parliament at its next Session, for the repeal, so far as regards this Province, of certain enactments in two Acts of the Imperial Parliament mentioned in the said Address, enabling persons residing in the United Kingdom to make proof of debts or claims on parties or property in Her Majesty's Plantations or Colonies in America, by Oath or Declaration in the manner mentioned in the said Acts; and praying that His Excellency will be pleased to transmit the said Address to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Ordered, That the said Address be engrossed.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Powell have leave to bring in a Bill to amend the Assessment Laws of Upper Canada in so far as they prejudice the interests of Agriculture.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MACKENZIE moved for leave to bring in a bill to abolish the qualification for members of the Assembly. He would not now discuss the question. The government, he observed, had a similar proposal; but the Legislative Council Bill was altogether so extraordinary a document that he thought there was no harm in his bringing in his bill.²

(148)

Ordered, That Mr. Mackenzie have leave to bring in a Bill to abolish the Property Qualification of Members of the Legislative Assembly.

He accordingly presented the said Bill to the House, and the same was received

(149)

and read for the first time; and ordered to be read a second time on Wednesday the eleventh day of October instant.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Act to abolish the Right of Primogeniture, and to afford relief to parties succeeding to the Real Estate of persons dying intestate in certain cases in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the thirteenth day of October instant.

Ordered, That Mr. Alleyn have leave to bring in a Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

He accordingly presented the said Bill to the House, and the same was received

and read for the first time; and ordered to be read a second time on Monday the twenty-third day of October instant.

Ordered, That the Petition of Joseph Laurin, Notary Public, and heretofore Member of Parliament for the County of Lotbinière, residing in the Parish of L'Ancienne Lorette, in the County of Quebec, complaining of an undue Election and Return for the County of Lotbinière, be referred to the General Committee of Elections.

Ordered, That the Petition of Télesphore Fournier, Esquire, Advocate, of the City of Quebec, a Candidate for the County of Montmagny at the last General Election, and as such duly qualified, and François Tétu, Esquire, Provincial Surveyor, and Magloire Tétu, Cultivator, both of the Parish of St. Thomas, District of Quebec, complaining of an undue Election and Return for the County of Montmagny, be referred to the General Committee of Elections.

Ordered, That Mr. Crysler have leave of absence for fifteen days, on account of illness in his family.

Ordered, That Mr. Flint have leave of absence for fifteen days.

Ordered, That the Honorable Mr. Robinson have leave of absence for ten days, on urgent private business.

Ordered, That the Petition of William Farwell, of the Township of Melbourne, in the County of Sherbrooke, in the Province of Canada, Yeoman, complaining of an undue Election and Return for the United Counties of Drummond and Arthabaska, be referred to the General Committee of Elections.

Ordered, That the Petition of Robert Simpson, of the Village and Parish of St. Andrews, alias Saint Andrews, in the County of Argenteuil, in the Province of Canada, Esquire, a qualified recognized Candidate for the representation of the said County in Parliament now sitting, complaining of an undue Election and Return for the said County, be referred to the General Committee of Elections.

Ordered, That Mr. Powell have leave to bring in a Bill to amend an Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical or chemical purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. PROV. SEC. CHAUVEAU moved for an Address to His Excellency the Governor General praying His Excellency to cause to be printed, in addition to the documents mentioned in an Address to this House, such of the documents that have been obtained from the Public Archives in Paris and in London, and are now in manuscript in the library of Parliament, and in the library of the Literary and Historical Society of Quebec, or that may be procured hereafter, as shall be found of sufficient interest in a legal or historical point of view; and also to cause to be reprinted such of the works published (*sic*) in the early history of the country as may be of great value and have become very scarce, the said works or documents to be printed in such form and with such notes and maps as may be found proper, and assuring His Excellency that this House will make good the necessary expense to be incurred for the aforesaid objects.³

MR. J.S. MACDONALD, of Glengary, thought it the duty of every country to collect and preserve the materials of its early history. He would vote for the motion; but he saw a great difficulty in making the selection of the documents for publication; and he desired to know how this difficulty was to be overcome.⁴

[MR. PROV. SEC. CHAUVEAU] explique qu'il propose de soumettre à un comité de messieurs qualifiés la décision quant aux documents qui doivent être imprimés--

dont MM. Christie, Garneau et⁵ Perault,⁶ doivent faire partie.⁷

MR. CAMERON said it would be desirable to have a list of the documents, as several ancient documents might possess considerable interest or curiosity, and yet not be of sufficient importance to warrant their publication.⁸

MR. PROV. SEC. CHAUVEAU said, care would be taken that nothing of inadequate interest should be published. A portion of the documents consisted of despatches. He concurred, however, in the proposal of the hon. member for Glengary, to refer the subject to the Committee on the Library.⁹

MR. MERRITT asked what the probable expense would be?¹⁰

MR. PROV. SEC. CHAUVEAU said the cost might be £500 or £600.¹¹ [Il] dit que la chambre a déjà ordonné l'impression de quelques documens qui coûtera £500; si on ordonnait l'impression des autres cela coûtera encore deux fois cette somme.¹²

MR. MERRITT would have no objection to the motion if the cost would not exceed one or two thousand pounds; but he feared that it would be a great deal more. The legislature of the State of New York passed a similar motion, and the expense had already reached \$15,000 or \$16,000; and now a committee had been appointed to see what it was necessary to print.¹³

MR. MACKENZIE est étonné de voir une motion telle que celle-ci. Si un pauvre homme a une réclamation contre le gouvernement, il ne peut rien obtenir sans une recommandation du gouvernement. Maintenant on vient engager la Chambre à voter une somme d'argent pour imprimer certains documents, sans aucune recommandation préalable. Tout le monde sait que cela a pour but principal de faire un job pour certains imprimeurs favoris--de maintenir quelques journaux qui, sans ces moyens, ne se maintiendraient pas. C'est par ce favoritisme qu'on soutient la presse ministérielle. On a donné les annonces du Shériff premièrement à M. Brown; quant (*sic*) il est devenu indépendant (*sic*), on les a donné[es] à McDougall, ensuite à Beattie, et peut-être plus tard on les donnera aux propriétaires du Old Countryman, à qui le gouvernement a commencé dernièrement d'étendre ses faveurs. Il parle de tout cela comme une tentative de piller le pays, quoiqu'il n'ait pas d'objection à ce que les documents soient imprimés; mais il demande qu'au moins l'ouvrage soit mis à la concurrence des imprimeurs.¹⁴

DR. FRAZER ... spoke in opposition¹⁵.

MR. PROV. SEC. CHAUVEAU said it was most unfortunate that this motion had been made by a member of the government, as it had brought down an attack from the member for Haldimand. How did that member know that the printing of these documents would not be put up to public competition?¹⁶ [Il] dit qu'il n'y a pas de pillage sous un gouvernement responsable au peuple; mais il dira à l'hon. membre que quand il y a pillage, c'est quand le peuple est excité par les agitateurs, et quand on vole les malles.¹⁷ His (Mr. C.'s) only object was, to get a set of most valuable documents printed; and it never entered into his head who was to print them.¹⁸

MR. COM. CR. LANDS MORIN said the documents would throw a great deal of light on the early political history of America, and that the maps embraced the whole country from Canada to Florida. Any gentleman who would look at the catalogue, would see that a vast amount of valuable information was comprised in the documents; many of which were never yet published. The documents did not relate to Lower Canada merely, but contained also many letters and several plans relating to Upper Canada.¹⁹

(150)

On motion of the Honorable Mr. Chauveau, seconded by the Honorable Mr. Chabot,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be printed, in addition to the Documents mentioned in an Address to this House, such of the Documents as have been obtained from the Public Archives in Paris and in London, and are now in manuscript in the Library of Parliament, and in the Library of the Literary and Historical Society of Quebec, or may be procured hereafter, as shall be found of sufficient interest in a legal or historical point of view; and also to cause to be reprinted such of the Works published on the early History of the Country as may be of great value and have become very scarce; the said Works or Documents to be printed in such form and with such notes and maps as may be found proper; and assuring His Excellency that this House will make good the necessary expense to be incurred for the aforesaid objects.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That it be an Instruction to the Standing Committee on Standing Orders, to inquire and report as to whether or not the Petitions presented during the last Session of the fourth Parliament, praying for the passing of measures of a private nature, may serve during the present Session for the introduction of such measures; and whether it is necessary that such Petitions be referred by Order of this House to the said Standing Committee, or what other mode of proceeding should be adopted to bring the said Petitions under the consideration of the said Standing Committee.

Ordered, That Mr. Lemieux have leave to bring in a Bill further to amend an Act, intituled, "An Act to incorporate certain persons under the name of the "Quebec Friendly Society."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. Felton have leave to bring in a Bill to repeal the Acts regulating the summoning of Jurors in Lower Canada, and to provide for the election of Jurors by the Municipal Councils.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. CAMERON moved the reception of the Report of the Committee of the whole on the Bill to Amend the Criminal Law.²⁰

MR. J.S. MACDONALD, of Glengary, suggested delay till members now absent should return, and have an opportunity of examining the bill.²¹

MR. MACKENZIE suggested great caution in passing a bill of so important a character as this; but he confessed his inability to comprehend it.²²

(150)

Mr. Mackenzie reported the Bill to amend the Criminal Law of Canada; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Wednesday the twenty-fifth instant.

The Order of the day for the second reading of the Bill to amend the Acts to secure the Independence of Members of the Legislative Assembly, being read;

Ordered, That the Bill be read a second time on Monday the twenty-third day of October instant.

The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;

Ordered, That the Bill be read a second time on Monday the twenty-third day of October instant.

(151)

The Order of the day for the second reading of the Bill to repeal certain parts of the Ordinances relative to Winter Roads in Lower Canada, in so far as regards the District of Montreal, being read;

Ordered, That the Bill be read a second time on Monday the sixteenth day of October instant.

Then, on motion of Mr. Langton, seconded by Mr. Crawford.

The House adjourned.²³

APPENDIX: 2 OCTOBER 1854.

[NOTICE OF MOTION FOR ADDRESS RE: CONTRACTORS IN CONSTRUCTION OF MONTREAL COURT HOUSE.]

MR. DUFRESNE [donne avis que] lundi prochain [il fera motion pour une] adresse à son excellence le gouverneur général, le priant de vouloir bien faire mettre devant cette chambre copies des devis et marchés faits entre le gouvernement et messieurs Laberge, Labelle et Pominville, entrepreneurs, pour la construction d'un palais de justice dans la cité de Montréal, avec toute la correspondance servendue (sic), depuis le marché, entre le gouvernement et les dits entrepreneurs ou leurs agens, relativement à la dite bâtisse; avec tout état des réclamations faites par les dits entrepreneurs soit pour dommages, déviation, retard apporté à l'exécution de l'ouvrage, augmentations; et enfin tous papiers, pièces, ou documents quelconques ayant rapport à la dite entreprise.²⁴

[NOTICE OF QUESTION RE: INSPECTION OF REGISTRY OFFICES IN LOWER CANADA.]

MR. PREVOST [donne avis que] lundi prochain [il] demandera au ministère si le gouvernement a l'intention d'appointer quelques personnes qualifiées pour visiter les bureaux d'enregistrement du Bas-Canada pour s'enquérir et faire l'examen de l'état et condition de tels bureau respectivement et des registres, livres, index, sommaires, documents et papiers s'y trouvant appartenant à tels bureaux respectivement, s'assurer si les dispositions de l'ordonnance d'enregistrement et des statuts sub[s]équents y ayant rapport y sont ou n'y sont pas bien suffisamment remplies.²⁵

[QUESTION AND ANSWER RE: PRIMARY SCHOOL GRANTS.]

MR. DUFRESNE [asked a question.]²⁶

MR. PROV. SEC. CHAUVEAU ... stated that the Government intend to propose an increase of the educational grant; so as to permit of the establishment of a good primary school in every parish.²⁷

[QUESTION AND ANSWER RE: QUEBEC MARINE EMIGRANT HOSPITAL.]

MR. ALLEYN [asked a question.]²⁸

MR. PROV. SEC. CHAUVEAU stated ... that it is not the intention of the government to investigate into the management and organization of the Marine Emigrant Hospital, Quebec, at present. No facts had been brought before the Government to warrant their doing so, since the new Commission was established. Certain statements had been made in the newspapers; but the person on whose authority these statements had been made, had refused to come before the Commissioners to substantiate them.²⁹

[WITHDRAWN MOTION: FOR COMMITTEE TO REPORT ON COST OF RETURNS TO ADDRESSES.]

MR. FELTON moved, "That a Committee of five members be appointed for the purpose of ascertaining and reporting to this House the amount of the expenses incurred in preparing returns to the different addresses of this House to the head of the Government, from the time of the Union of the Provinces of Upper and Lower Canada to the day of the assembling of the present Parliament, and

of the costs incurred by the Clerk of this House for the copying and printing [of] the same, together with the names of the movers and seconders of such Addresses and Reports from the Journals of the House during the proceedings had upon such applications and returns, with power to send for persons, papers, and records, and that such Committee be composed of Messrs. Solicitor General Ross, Cauchon, Freeman,³⁰ Morrison³¹, and the mover." He then proceeded to state that there were a large number of returns prepared and sent into the House which were perfectly unnecessary, so far as the conduct of the public business went. The expense of this fell upon the community, but he considered that where members so acted it should fall upon their own shoulders; and when members rose to make motions for returns which were of no utility, the responsibility should fall upon them.³² As the House had not the power to do this, it could do nearly as well by showing the country who caused the expense.³³ He saw, for instance, amongst the Notices of Motions, one introduced by the member for Haldimand, not simply purposing to do away with property qualification, but to do away with the "£500 stg. pecuniary qualification which now narrows the people's rights to choose freely their representatives in Assembly." The words introduced into that motion were only put there to be sent abroad to mislead the people and create an impression upon them that they were grievously imposed upon. The hon. gentleman then proceeded to set forth a variety of documents that were printed, and were afterwards of not the least use, either to the member who called for them, to the House or any one else.³⁴

MR. MACKENZIE followed, and³⁵ suggested to add to the motion a list of all the lands that have been granted to the Felton family, who had been pretty heavy suckers on the public.³⁶ Le membre pour Sherbrooke appartient à une famille qui a obtenu du gouvernement une immense étendue des terres de la couronne.³⁷ [Mr. Mackenzie] said that if enquiry were made he had not the least doubt but it would be found that the expense of printing these returns and other documents was double what it ought to be. He believed "Derbshire" executed it, and he knew that he also gave very excellent dinners.³⁸ He (Mr. F.) had no objection to giving the Queen's printer twice as much as the work could be done for³⁹. Now he (Mr. M.) would not so much object to that gentleman being paid a little extra; but the hon. member for Sherbrooke, when he dipped deeply into the public purse, and as a Queen's Counsel, got his \$1000⁴⁰ pour courir le pays et conduire les poursuites criminelles⁴¹, and public lands and monies, would not like to have even the public accounts printed, but he rose in his seat in that House, and wished, for the sake of economy and retrenchment, to appoint a Committee to go back to the time of the Union to bring forward a history of all the Reports which have been printed. He (Mr. M.) would ask who was the person to blame? But the hon. member for Sherbrooke blamed members for asking for returns which they at the time deemed highly necessary for their purposes, and here was he asking for all this voluminous information⁴², mais il (M. McKenzie) croit que ce même membre ne se fâchera pas des profits énormes que reçoivent ses amis les imprimeurs de la reine, pour les ouvrages qu'ils font. Ce membre lui-même a reçu aussi de fortes sommes pour avoir agi comme commissaire pour faire deux ou trois enquêtes. Peut-être ne veut-il pas qu'on voie combien il a gagné de cette manière. L'hon. membre a parlé d'un bill introduit par lui (M. Mackenzie). Ce bill a pour objet de donner droit de siéger en parlement à bien des personnes qui n'ont pas £500, parce qu'elles n'ont pas reçu, ni elles ni leurs pères, des terres incultes, comme la famille de l'hon. membre en a reçu. Si ces personnes étaient qualifiées par ces gratuités, il est bien probable que l'hon. membre ne serait pas dans la Chambre. Il est fâché d'être obligé de faire ces observations; mais il lui semble que l'hon. membre a voulu l'injurier, et il est également prêt ou à recevoir les

injures ou à les venger.⁴³ He took the reference made to him by the hon. member for Sherbrooke as very insulting to a member in his (Mr. M.'s) position in the House, for the public knew very well that he never wished to bring any proceeding before the House with the view of wasting time and creating expense, but of conferring benefits upon the community. He had been careful of public money, too, as any hon. member in that House, and for the last 30 years he did not suppose that so much public money had been wasted through his services to the country as had been in one year by some hon. gentleman of the opposite side of the House.⁴⁴

Jadis, Sir A.N. MacNab, semblable à cet hon. membre, était bien opposé à la publicité, aussi l'avait-il fait expulser de la Chambre pour avoir fait imprimer cinq cents copies des Journaux Parlementaires, quoique ce fut sans commentaire. Il (M. Mackenzie) croit qu'aucun membre qui se respecte n'aurait fait la proposition maintenant devant la Chambre--une proposition dont le seul but est de noircir un des membres les plus avancés en âge, et le plus longtemps dans la vie publique. Il n'objecte pas à la proposition en elle-même.⁴⁵ If the hon. member for Sherbrooke had not singled him out he should not have adverted to the matter strongly; but while he had a seat upon that floor, was it for twenty-four hours or the same number of years, he was desirous to have facts go forth to the public, and most especially Reports of Railway Committees, and of those to whom the charge of public money is given. It was necessary to call for important returns, and if the hon. member for Sherbrooke wanted information let him have it; but it was no reason to single him (Mr. M.) out.⁴⁶ He was willing to have all the motions that he ever made for information placed before the public, and go to any constituency in Upper Canada upon the merits of all the motions he ever made.⁴⁷ He was very willing to go before his constituents the next day to receive censure for useless expense incurred through his instrumentality, as regarded printing of the public journals. No hon. member should, with any regard to himself, have brought forward such a motion as that before the House.⁴⁸

MR. FELTON rose to explain. He was very sorry to have so touched the hon. member for Haldimand to the quick, that in his allusion to him he should have forgotten courtesy.⁴⁹

MR. MACKENZIE was unaware of what the hon. member meant.⁵⁰

MR. FELTON regrette que le monsieur de l'autre côté ait oublié la courtoisie qu'on doit attendre parmi les gentilshommes et surtout dans les assemblées telles que celle-ci.⁵¹ He complained that the member for Haldimand had treated him in an ungentlemanly manner: that it was his habit to do so⁵². Yes; he had to regret that that hon. member should have done so, more on his account than his (Mr. F.'s), for he felt himself quite secure from any personal observations of the kind.⁵³ Quant aux terres dont a parlé[es] l'hon. membre, il n'en a reçu aucune. Quant à l'argent il n'en a reçu que ce qu'il a gagné par son travail. Ses constituants savent ce qu'il a fait et ce qu'il a gagné, et ils en sont satisfaits, car ils croient bien qu'ils (sic) l'a gagné en avançant leurs intérêts. C'est là la seule approbation qu'il convoite.⁵⁴ He did not much heed the opinion of that hon. member in the House.--⁵⁵He made long speeches taking up the time of the House, and moved addresses the expense of which was very great⁵⁶. The greater portion of what the hon. member for H. did in the House was for the purpose of bunkum⁵⁷.

MR. MACKENZIE.--Unfortunately.⁵⁸

MR. FELTON.--And no one could point to one single act which the hon member had done to redeem his name from the opprobrium (sic) of having trespassed so uselessly long on the time of the House, and having caused to be expended so much public

money for the purpose of displaying his personal vanity (hear, hear.) If that hon. member chose to bear the title of "public calumniator" let him keep it, and if he was proud of it, who would envy him? He was almost the only member who abused the privileges of that House, and persisted in committing errors; but he adopted a plan of action in the House by which he was continually addressing his constituents in a most unfounded manner at the expense of the people. He (Mr. F.) brought that charge most distinctly against the hon. member, and he would ask the House whether facts did not substantiate this; and if a gentleman of the hon. member for H.'s experience and age laid himself open to such imputations it was not his (Mr. F.'s) fault. Indeed, that hon. member was aware fully, that his (Mr. F.'s) motion was pointed against him, but that was no reason why the hon. member for H. should take the part that he had. He regretted that the subject matter should have digressed from its proper course; but he did not think that the people ought to be taxed on account of the acts of an individual who gratified himself at the expense of the House and the country.⁵⁹

MR. POWELL then rose and said--there was an old principle in the police system of setting a thief to catch a thief, and it struck him that the hon. member for Sherbrooke had adopted that standard in bringing forward this motion, which he looked at as a clap-trap motion for the purpose of disposing of the clap-trap one of the hon. member for Haldimand. What was the object of the motion? To expose to the country the motion of the returns called for by the hon. member for Haldimand. Now the country would be involved in great expense by reason of these returns asked for by the member for Sherbrooke, and which were asked for with no other view than that of exposing the clap-trap motions of the member for Haldimand. If the hon member for Sherbrooke had no other object in view, he (Mr. P.) thought that the House should do justice to itself by rejecting in future any motion made for returns by the hon. member for Haldimand, which returns are unnecessary, and while upon this subject he (Mr. P.) must take the opportunity of expressing himself with respect to the hon. member for Sherbrooke. Although that gentleman had not moved for as many returns as the hon. member for Haldimand, yet during the time that he had filled a seat in that House, he had certainly occupied a much larger portion of its time than any other hon. member in his speeches. He (Mr. P.) did not know whether that hon. member's speeches were likely to be of more benefit to the country than the hon. member's for Haldimand; but he indulged himself to an unlimited extent in his speeches, and therefore it was right that he should come into that House with clean hands, and living in a glass house, should not throw stones, and before he attacked gentlemen of standing in the House, like his (Mr. P.[s]) honorable friend the member for Haldimand, he should be prepared to shew that he is as free from liability as the hon. member for Haldimand.⁶⁰

MR. O'FARRELL would vote against this motion. If the hon. member for Sherbrooke was so desirous to have the object of his motion carried out, he had better go into the proper office in the House, take his own time, get the returns, and then when the country knew the expense which hon. members (sic) for Haldimand had put the country to; but in his (Mr. O.[s]) opinion, the hon. member for S. wished by his motion to throw further expense upon the country. Indeed the member for Sherbrooke was in the same position as the member for Haldimand in this respect and did not deserve to have the motion accorded to him.⁶¹

MR. J. DORION ... repeated, in French, the same ideas that Mr. Powell had expressed in English⁶². Croyant que cette motion n'est faite que pour démontrer que l'hon. membre pour Haldimand a gaspillé beaucoup de l'argent public, et qu'elle

n'a aucun but d'utilité, [il] votera contre. Autrement il n'y aurait pas d'objection. Il votera contre parce qu'il n'y voit aucune utilité, et il en ferait autant dans le cas d'une motion inutile faite par l'hon. membre pour Haldimand.⁶³ If the hon. member for Sherbrooke objected to returns which the hon. member for Haldimand asked for, there was nothing to hinder the hon. member for S. from voting against this motion for returns.⁶⁴

MR. CAUCHON.--The hon. member for Haldimand ought not to be angry when a proposition of this kind was made. He had not heard the honorable member's speech, but he could say that when that gentleman asked for information by way of an address, it was always done with the view of endeavoring to show to the public that the government had or had not done their duty, and that the expense incurred in transacting the business of the country had been too great or perhaps reasonable. Now, if that was the true object of that gentleman asking for returns, he (Mr. C.) would say that the object was precisely the same as the honorable member for Sherbrooke. If hon. members claimed the right of judging the Government in their actions, in order to assist the public, the hon. members placed themselves in the like position as servants of the public, and if the expenses caused by the hon. members were too great, they ought to be blamed for it, and for that reason the hon. member for Haldimand ought to be the first. When that hon. member believed that the information which he received was of importance de (sic) did not look at the pounds, shillings, and pence, which was nothing to him.⁶⁵

MR. MERRITT.--This would have been a very good motion if it had only gone far enough, but it stopped short. The object of it was, merely to put a stop to getting information; to publish to the country the number of applications which were made in the House.--But it did not point to any remedy, nor did it empower the Committee to point out any remedy. He had said ever since the Union had taken place, that it was a most absurd system. Hon. members when they wanted to get information were compelled to move for these returns. Why should they be compelled to do so? Because our system was an absurd one. How was it done in the State of New York? Why the different departments made out their annual reports, and the comptroller made out his report, the same as the Inspector General here, all the vouchers are put down and every item of receipts and expenditures and the manner in which all the sales of public debentures took place, and they could be seen. Now where were the Receipts to be found from the Crown Lands Office? If the departments would make out their reports and send them to the House, there would be no necessity to ask for them. If the honorable member wanted a change let a Committee be appointed, and point out the remedy. The plan would save hundred of thousands of pounds, and he (Mr. M.) despaired of seeing that remedy until the whole system was changed, and he looked for it in the course of a very few years.⁶⁶

MR. FELTON would be most happy to adopt the suggestion.⁶⁷

MR. COM. CR. LANDS MORIN.--Believed that the system of making reports would not mend the evil.⁶⁸ [Il] ne pense pas qu'il soit possible de faire des rapports contenant tous les renseignements qu'on a coutume de demander au gouvernement.⁶⁹ It was different in the United States, there it was only by means of reports that information could come to the House, while here the matter could be made known in the course of discussion. But, nevertheless, he did not think that there would be any harm in obtaining such reports, or that obtaining them would be very costly. He should not have made the statement only because of what was stated by the honorable member for Lincoln.⁷⁰

MR. STEVENSON.--If the Committee would go into the office and look over the number of accounts, they would ascertain the facts they required information upon. These returns would not occasion any great expense, and after having personally made their examination, they should suggest to this House such remedies as they thought fit.⁷¹ [Il] est d'opinion que la dépense de l'impression de la Chambre est beaucoup plus considérable qu'elle ne doit l'être.⁷² It was not the first time that this matter had been brought before the House but for several years past, and the Printing Committee had had power given to it to condense the charge of putting this information upon our journals, and when the fact was considered that the journals of the last session were nine pretty large volumes, he was sure that any gentleman who looked over them, could not fail to wonder that such a mass of uninteresting matter should be published. (Hear, hear.)⁷³ Les journaux de la session dernière se trouvent remplis de riens, que personne ne lit.⁷⁴ He was sure that no committee of this House could be better employed if they only had authority, and he wished that power to be conferred upon one to decide just what documents should be placed in the journals of this House. He wished to exclude a great portion of the immense mass of rubbish with which their journals were crowded.⁷⁵ Pendant la dernière session on voulait faire imprimer un document qui aurait rempli cinq cents pages des journaux; et enfin on a trouvé que cette matière avait été déjà imprimée, la plupart une fois, et le reste deux ou trois fois.⁷⁶ He thought, in conclusion, that if the present motion prevailed it would do good, but that some of the information which had been asked for was already upon the journals.⁷⁷

MR. JOBIN would vote against the proposition of the honorable member for Sherbro[o]ke inasmuch that he considered it hostile and personal in character, and that if it were adopted by the House further expense would be thrown upon the country. When the government should be accused of prodigality and bad economy, then would be the time to enter into the divers items of expenses, and the government might point out which of the members of that House had caused part of the expenses to be incurred.⁷⁸

MR. DEWITT said the motion and remarks of the member for Sherbrooke constituted a reflection upon the House.⁷⁹ [Il] ne veut pas que la Chambre soit bornée dans ses attributions de la manière que l'hon. membre pour Sherbrooke semble le vouloir. C'est absurde que de blâmer un seul membre pour les dépenses qu'on a fait à satisfaire les demandes faites au gouvernement pour extraits et documents. La Chambre entière en est responsable, puisqu'elle les a sanctionnées.⁸⁰ He desired to know whether a gag was to be put upon the House, and the number of motions which might be made limited?⁸¹

MR. DUFRESNE croit que le résultat du comité, si on le nominait (sic), serait d'augmenter la gloire de l'hon. membre pour Haldimand, et de faire voir combien il a déployé d'activité pendant plusieurs années. On verra que ce monsieur est l'Argus de la Chambre. Pourtant comme la proposition telle qu'elle est dressée n'est propre qu'à porter atteinte à la réputation d'un des hon. membres, il s'y opposera. Toutefois si la motion cherchait un remède à un mal quelconque dans la Chambre, il s'y prêterait volontiers. Comme il n'en est pas ainsi, il votera contre.⁸²

MR. J.S. MACDONALD, of Glengary, called upon the House to pause before it voted the motion.⁸³ The object of this motion was to rake up from the journals of this House all the different motions which have been made ... the expense of printing the returns called for⁸⁴, [and] what object was to be gained by it? Why, just to hold up to public execration the names of the parties who had moved

the addresses. There was to be no opportunity for the movers and seconders of the addresses, whose names were a[s]ked for by this motion, to explain why and for what reason they made the motions.⁸⁵ What was the good of these volumes of matter, and now it was proposed to incur further expense in furnishing returns and of different addresses to this House.--They had got to require which the addresses were, and that would lead to great expense⁸⁶. He suggested that the requirement to produce the names of the movers and seconders of the addresses be struck out.⁸⁷ ([He] read the terms of the motion.) Now if the honorable member for Sherbrooke sought a remedy which would avoid the expense, then he (Mr. M.) would understand that the honorable member had some good motive in view--but he saw nothing in the motion beyond the mere demand for changing the system. If honorable members on the Treasury Benches, would only take upon themselves the responsibility of opposing useless motions, then the expense would be done away with, and in that case the whole House should support the administration. What he (Mr. M.) had more to deprecate was, that when one honorable member moved for an address, the honorable member scarcely had the boldness to oppose his application altogether for that which is unnecessary. He was pleased to acknowledge, that in a great majority of cases the information which had been asked for by the honble member for Haldimand as being for the benefit of the country, had been well received by the country, and was calculated to do good.⁸⁸

MR. PROV. SEC. CHAUVEAU. The House would be the guardians of their proceedings, and see that they do not entail too much expense upon the country, but the object which the hon. member for Sherbrooke had in moving for the appointment of this Committee was, to get such information as would stop the House hearing all these motions, but on all occasions where a motion would appear to be unnecessary, or calculated to entail unnecessary expense, the House should, upon statements made by the members of the Government, put it down.⁸⁹ He suggested the withdrawal of the motion.⁹⁰

MR. MACKENZIE. Agreed with the honorable member.⁹¹

MR. FELTON. Was willing to consent to either proposition, either what fell from the opposition or Ministerial side. The object he had in view in bringing forward this motion was fully deserved. The House had expressed its opinions to the effect that some of these motions had been unnecessarily moved for, he was therefore willing to withdraw a portion of the words of the motion, not that he wished to close the eyes [of] the public to an abuse, but where there was one in existence it should be done away with.⁹²

MR. J.S. MACDONALD. The honourable gentleman had better withdraw this motion altogether, and adopt the view of the Honorable Provincial Secretary. This system should be as in the United States, where the heads of Savings Banks, Turnpike Trusts, and so on, are obliged to send in their accounts. He, (Mr. M.) did not see why the various departments here should not make their returns, but as the Honorable Provincial Secretary had suggested, he thought that the better plan would be thereafter, that the House should stand by the government, and invariable refuse motions unnecessary[il]y calling for returns, and applying for unimportant information.⁹³

MR. MACKENZIE was so anxious that ... the public should know what motions he made that he would urge the clerk to put the names of the movers upon the document. He never made a motion in his life which he did not mean for the public benefit.⁹⁴

MR. FELTON would withdraw the motion.⁹⁵

[WITHDRAWN MOTION: FOR COMMITTEE TO SELL PARLIAMENT BUILDINGS' SITE AND RUINS.]

CAPT. RHODES moved that a committee be appointed to report on the expediency of selling the site and ruins of the late House of Assembly at Quebec. In doing so, he stated, that he wished to invite discussion upon the subject with the view of enabling the House to understand the position of the property in question. He would explain to them, that in the year 1819 a Special Act of Parliament was passed to enable the government of that day to acquire the property in question from the Archbishop of Quebec. As no money passed on that occasion, the property was leased to the government upon an annual payment of £1000 sterling or £1200 currency. This sum however represented a property of the value of about £20,000. At that time a Palace was erected upon the site which had been pulled down, and since then the Legislative Buildings had been erected, which every body was aware had been burnt down, and the property in question was less valuable now than it had been for the last forty years, for he believed that at an early period, land situated within the walls of Quebec was more valuable than now, and consequently that the sum of £1200 paid annually upon that property might now appear to be a large sum, although it was not so then. The circumstances at the present time were however different, land inside the walls of Quebec had fallen in price considerably. Since the fire, the property has not been considered worth more than £10,000. He believed that the Parliament Buildings were insured for the sum of £7000, and he would suggest to the House that with a view of getting rid of the annual charge payable to the Archbishop, of £1200, that the property should be sold for £10,000 or £12,000 or whatever sum it would bring, that the insurance money should be added to that, and with a vote of about £3,000 from the House, about £20,000 could be made up which sum doubtless the Archbishop would accept and the country would benefit by getting rid of this annual payment of £1200 a year which is payable to the Archbishop and his successors forever. The property was mortgaged to that amount and the property was not worth £12,000. Should the buildings be removed, the property would be worth £4,000 or £5,000⁹⁶. *Maintenant la question est de savoir si la propriété doit être vendue, ou si elle doit être encore rétablie pour des fins publiques. Il pense qu'elle doit être vendue, car si le siège du gouvernement restait à Québec, il serait nécessaire d'ériger de nouvelles bâtisses, plus considérables qu'on ne pourrait en bâtir sur ce terrain.*⁹⁷ There were other sites more advantageous, the Jesuits Barracks for instance, and other positions, but he did not think the ruins were fit to use in the re-erection of other public buildings, for the idea had gone abroad that in future all buildings should be built fire proof. As to erecting a Post Office or Custom House on the site was out of all question, as the present locations of these departments were the most suitable.⁹⁸ Si on décide à la vendre, il faut qu'on essaie de la décharger de la rente foncière, et pour cela M. le Commissaire des Travaux Publics doit être chargé de négocier avec Monseigneur, puisqu'il est probable que personne ne voudra acheter l'emplacement chargé d'une rente qui excède sa valeur. Il est à désirer que quelque décision soit prise sans délai, parce que si le terrain doit être vendu, il se vendra avec plus d'avantage pour y bâtir un hôtel, et parce qu'il y a actuellement des personnes qui désirent l'acheter pour cette fin.⁹⁹ His only object in bringing forward the motion was to elicit discussion; and, that object obtained, he would be ready to withdraw it.¹⁰⁰

MR. COM. PUB. WORKS CHABOT, in F[r]ench,¹⁰¹ said that the subject had been drawn to the attention of government, [and] he agreed that gover[n]ment thought (*sic*) that the site was not suitable for government buildings of any description The government thought that the site in question would be a very admirable one for an Hotel, but they did not feel themselves justified in taking any steps

in the matter without the sanction of government.¹⁰² [Il] a déjà fait dresser un plan pour convertir cette propriété en hôtel. Ce plan était sous considération quand le dernier ministère est tombé. Depuis lors il n'y a pas eu de temps pour le reprendre; mais soit que le siège du gouvernement soit fixé dans une seule localité, ou que le système alternatif soit continué, ou enfin que les provinces soient unies dans une confédération, il est certain qu'une bâtisse convenable pour les bureaux du gouvernement doit être construite.¹⁰³ He was enabled to announce that the Provincial government would soon be placed in possession of the Jesuit's (sic) barracks, on the site of which new Parliament buildings might be erected, or if deemed desirable, it might be sold and the buildings erected on the lands purchased outside of St. Lewis Gate.¹⁰⁴ Un octroi d'argent a déjà été fait pour bâtir des Chambres à Toronto, mais on a trouvé qu'il n'y suffisait pas, surtout après que les accidents qui ont eu lieu dernièrement eussent fait voir la nécessité de construire toute bâtisse publique à l'épreuve du feu. Le gouvernement n'a donc pas jugé à propos de procéder à dépenser cette somme d'argent, sans amener de nouveau le sujet devant la Chambre.

Pour la même raison on a remis la construction d'une maison de Douane, et d'un Bureau de Poste, qu'on veut aussi rendre sûrs contre le feu. Il est vrai qu'une bâtisse à l'épreuve du feu coûtera 50 pour cent plus qu'une bâtisse ordinaire; mais cela n'est rien en comparaison de l'avantage de mettre en sûreté les records publics. Le terrain déjà acheté pour la Douane n'est pas assez grand, et on va en acheter davantage. On a aussi acheté un terrain à une petite distance de la Porte St. Louis, en dehors de la ville, pour un prix qui, avec la rente foncière, se montera à £6,500. Cet achat a été fait à des conditions très favorables, et si plus tard on n'a pas besoin de la propriété, elle se vendra certainement sans aucune perte, puisque la valeur de la propriété dans ce voisinage augmente toujours.

Quant à la valeur de l'emplacement dont il s'agit dans la motion, il croit qu'elle est à peu près égale à la rente foncière payable à Mgr., car lors de la vente au gouvernement, on croyait qu'il était vendu à bon marché, et il n'est pas d'opinion que la valeur de la propriété foncière à Québec ait diminué depuis ce temps-là.¹⁰⁵

The motion was then withdrawn.¹⁰⁶

FOOTNOTES: 2 OCTOBER 1854.

1. Telegraph (GLOBE, 3 October 1854).
2. TORONTO LEADER, 10 October 1854.
3. TORONTO LEADER, 11 October 1854.
4. IBID.
5. LE PAYS, 5 October 1854.
6. TORONTO LEADER, 11 October 1854.
7. LE PAYS, 5 October 1854.
8. TORONTO LEADER, 11 October 1854.
9. IBID.
10. IBID.
11. IBID.
12. LE PAYS, 5 October 1854.
13. TORONTO LEADER, 11 October 1854. LE PAYS, 5 October 1854, states: "M. Merritt n'y objectera pas, si la dépense n'est pas plus élevée que celle dont parle le Secrétaire-provincial. Mais dans l'Etat de New York, on avait voté \$500 pour imprimer certains documents, et après avoir dépensé \$1500, on avait arrêté l'ouvrage."
14. LE PAYS, 5 October 1854. MACKENZIE'S WEEKLY MESSAGE, 13 October 1854, comments: "The job was agreed to, and I learnt that a pet printer had done part already in anticipation of such a vote. The work may cost \$20,000, and other \$16,000 of such pamphlets have been already paid for. What's the use of them?"
15. MACKENZIE'S WEEKLY MESSAGE, 13 October 1854.
16. TORONTO LEADER, 11 October 1854.
17. LE PAYS, 5 October 1854.
18. TORONTO LEADER, 11 October 1854.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. TORONTO LEADER, 11 October 1854, states: "The House adjourned at a quarter past eight."
24. LE PAYS, 7 October 1854.
25. IBID.
26. TORONTO LEADER, 11 October 1854.
27. IBID.
28. IBID.
29. IBID.
30. HAMILTON SPECTATOR, 11 October 1854 (which copies MORNING CHRONICLE, 5 October 1854). MONTREAL GAZETTE, 5 October 1854, comments: "The only debate of interest arose on a motion of Mr. Felton, the member for Sherbrooke, and the result ought to prove a lesson to that gentleman, if he have any mother wit in his composition. He is too forward by one-half, indeed, by two-halves, for a young member who, although he may have sufficient ability to hold his own among second-rate lawyers in the Court house, does not yet exhibit the qualifications that will enable him to set the St. Lawrence on fire, nor yet such qualifications as give him any decent title to lecture men much older than himself, or to undertake, on so brief an apprenticeship, the office of teaching the House how to conduct itself. Not many evenings have elapsed since Mr. ex-Speaker gave him a sound snubbing for a piece of pure impertinence, and last night he was very roughly handled by Messrs. McKenzie and Powell, to the evident satisfaction of the House; for one thing that it will not endure is a lecturer or moralist of Mr. Felton's

stamp."

31. LE PAYS, 5 October 1854.
32. HAMILTON SPECTATOR, 11 October 1854.
33. TORONTO LEADER, 10 October 1854.
34. HAMILTON SPECTATOR, 11 October 1854.
35. IBID.
36. TORONTO LEADER, 10 October 1854.
37. LE PAYS, 5 October 1854.
38. HAMILTON SPECTATOR, 11 October 1854.
39. TORONTO LEADER, 10 October 1854.
40. HAMILTON SPECTATOR, 11 October 1854.
41. LE PAYS, 5 October 1854.
42. HAMILTON SPECTATOR, 11 October 1854.
43. LE PAYS, 5 October 1854.
44. HAMILTON SPECTATOR, 11 October 1854.
45. LE PAYS, 5 October 1854.
46. HAMILTON SPECTATOR, 11 October 1854.
47. TORONTO LEADER, 10 October 1854.
48. HAMILTON SPECTATOR, 11 October 1854.
49. IBID.
50. IBID.
51. LE PAYS, 5 October 1854.
52. TORONTO LEADER, 10 October 1854.
53. HAMILTON SPECTATOR, 11 October 1854.
54. LE PAYS, 5 October 1854.
55. HAMILTON SPECTATOR, 11 October 1854.
56. TORONTO LEADER, 10 October 1854.
57. HAMILTON SPECTATOR, 11 October 1854.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. TORONTO LEADER, 10 October 1854.
63. LE PAYS, 5 October 1854.
64. HAMILTON SPECTATOR, 11 October 1854.
65. IBID.
66. IBID.
67. TORONTO LEADER, 10 October 1854.
68. HAMILTON SPECTATOR, 11 October 1854.
69. LE PAYS, 5 October 1854.
70. HAMILTON SPECTATOR, 11 October 1854.
71. IBID.
72. LE PAYS, 5 October 1854.
73. HAMILTON SPECTATOR, 11 October 1854.
74. LE PAYS, 5 October 1854.
75. HAMILTON SPECTATOR, 11 October 1854.
76. LE PAYS, 5 October 1854.
77. HAMILTON SPECTATOR, 11 October 1854.
78. IBID.
79. TORONTO LEADER, 10 October 1854.
80. LE PAYS, 5 October 1854.
81. TORONTO LEADER, 10 October 1854.
82. LE PAYS, 5 October 1854.
83. TORONTO LEADER, 10 October 1854.
84. HAMILTON SPECTATOR, 11 October 1854.

85. TORONTO LEADER, 10 October 1854.
86. HAMILTON SPECTATOR, 11 October 1854.
87. TORONTO LEADER, 10 October 1854.
88. HAMILTON SPECTATOR, 11 October 1854.
89. IBID.
90. TORONTO LEADER, 10 October 1854.
91. MORNING CHRONICLE, 5 October 1854. HAMILTON SPECTATOR, 11 October 1854, omits this speech.
92. IBID.
93. HAMILTON SPECTATOR, 11 October 1854.
94. MORNING CHRONICLE, 5 October 1854. HAMILTON SPECTATOR, 11 October 1854, omits this speech.
95. HAMILTON SPECTATOR, 11 October 1854. MONTREAL GAZETTE, 5 October 1854, notes: "There is another thing about this motion. Mr. Felton finding himself sorely pressed and jeered at; was constrained to say that the motion was suggested to him by an hon. member; and this hon. member turns out to be no other than Dunbar Ross! Verily, that gentleman must have a most unhappy genius! This is the third scrape of the sort in about as many weeks that he has either been in or the prime mover of--viz: Timothee Brodeur's case, the election committee, and the affair last night. All these things tend to lower the character of the House as they must damage the Ministry, and the Solicitor General's friends had better keep him back."
96. MORNING CHRONICLE, 5 October 1854.
97. LE PAYS, 5 October 1854.
98. MORNING CHRONICLE, 5 October 1854.
99. LE PAYS, 5 October 1854.
100. TORONTO LEADER, 10 October 1854.
101. IBID.
102. MORNING CHRONICLE, 5 October 1854.
103. LE PAYS, 5 October 1854.
104. TORONTO LEADER, 11 October 1854.
105. LE PAYS, 5 October 1854.
106. TORONTO LEADER, 11 October 1854.

TUESDAY, 3 OCTOBER 1854.

(151)

ANTOINE POLETTE, Esquire, one other Member appointed by Mr. Speaker, to serve on the General Committee of Elections, and not objected to by the House, took the following Oath:

I do swear that I will truly and faithfully perform the duties belonging to a Member of the General Committee of Elections, without fear or favor, to the best of my judgment and ability. So help me God.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of Thomas Mackie and others; and the Petitions of Elwood Hughes and others, of the Township of Whitchurch, County of York.

By Mr. Scatcherd,--The Petition of Lobo Division, No. 395, of the Order of the Sons of Temperance.

By Mr. Langton,--The Petition of Westwood Division, No. 206, of the Order of the Sons of Temperance; and the Petition of Charles Perry and others, Mill-owners, and others residing in and near the Town of Peterborough.

By Mr. Egan,--The Petition of the Officers and Members of the Corresponding Committee at Montreal of the Colonial Church and School Society.

By Mr. Wright,--The Petition of James Draper and others, of the Township of Markham; and the Petition of Salem Eckardt and others, of the Township of Markham.

By Mr. Crawford,--The Petition of S.J. Gemmill and others, of Elizabethtown and Young.

By Mr. Jackson,--The Petition of John Bruce and others, of the Township of Brant, and of the Village of Walkerstown, County of Bruce.

By Mr. Roblin,--The Petition of Sidney Warner and others, of the Township of Ernesttown.

By Mr. Dostaler,--The Petition of Charles Formeret and William Morrison, Trustees of the Dissident School of Berthier, District of Montreal.

By Mr. Masson,--The Petition of the Reverend T. Brassard and others, of the Parish of St. Ignace da (sic) Coteau du Lac, County of Soulanges; and the Petition of John J. Loy, of the Parish of St. Zotique, County of Soulanges.

By Mr. Bourassa,--The Petition of the Reverend James Brock and others, Sons of Temperance, and others.

By Mr. Bell,--The Petition of A.M. Arthur and others, of the Township of Beckwith.

By the Honorable Mr. Young,--The Petition of the Turnkeys employed in the Montreal Goal (sic) and House of Correction.

MR. COM. PUB. WORKS CHABOT fait motion que quand cette chambre s'ajournera ce jour, elle soit ajournée au lundi suivant.¹

Quelques membres suggèrent que l'ajournement soit prolongé jusqu'à mardi au lieu de lundi prochain, et MR. COM. PUB. WORKS CHABOT consent à ce que sa motion soit amendée dans ce sens.²

MR. J. DORION s'oppose à l'ajournement. Il y a des comités d'élections qui siègent actuellement, et il croit qu'il[s] doivent procéder à terminer les affaires dont ils sont chargés.³ He objected to the House going upon an expedition to amuse itself at great cost to the public.⁴ Si on veut faire une promenade au Saguenay, ce ne doit pas être aux dépens du peuple. Cette promenade coûtera £1500 ou £2000. (Ecoutez!) C'est très bien de la part des messieurs de l'autre côté de crier écoutez, mais ce qu'il dit est un fait.⁵ He understood that some 18 or 20 thousand dollars had been already expended in making preparations or

purchases for the trip.⁶ On a déjà dépensé pour le vin quelques \$1500 ou \$2000. Il ne veut pas cette dépense-là, et il est disposé à demander une division.⁷

MR. COM. PUB. WORKS CHABOT, in French, said the member for Two Mountains might denounce the proposed excursion as a promenade and a pleasure trip⁸. Rien ne peut être plus important pour l'avantage public que de faire connaître les différentes localités du pays et surtout celles d'en bas de Québec, où il y a besoin de tant d'améliorations.⁹ He (Mr. C.) thought it of great importance that members from Upper Canada should see the Lower St. Lawrence, and the works on which they would soon be called upon to vote money.¹⁰ En Canada on est dans une époque de progrès inouï.¹¹ The navigation of the St. Lawrence was of vast interest to the whole country¹². Le fleuve vient d'être ouvert aux vaisseaux américains, et il y a déjà deux lignes des (sic) bateaux à vapeur entre les ports d'Europe et ceux du St. Laurent. Il faut donc perfectionner la navigation de ce grand fleuve, mais on ne le doit pas attendre des messieurs qui ne connaissent pas ces localités.¹³ Members should understand what it was, which they could best do from personal inspection.¹⁴ Il nie qu'on ait fait les dépenses dont a parlé l'hon. membre.¹⁵ The hon. member was better instructed than he (Mr. C.) if he knew that the government had already spent £15,000.¹⁶

MR. J. DORION.--Dollars.¹⁷

MR. COM. PUB. WORKS CHABOT went on to say that he considered the trip would be productive of such benefit to the country as to justify the expenditure of a few hundred pounds.¹⁸

MR. YOUNG highly approved of the idea of the trip; although he did not intend to go down.¹⁹ He would suggest that the members should go by steamer²⁰. He thought, however, the plan might be improved by returning on the south side of the Saguenay in calaches (sic) as that would well repay the trouble.--He did not believe that Upper Canada members had any idea of the fineness or richness of the country.²¹ [It was] one of the finest parts of the whole country, but perfectly unknown. He was satisfied that great advantages would result from the arrangement he suggested.²² M. Young pense qu'une connaissance du pays en bas de Québec serait de la plus grande utilité aux membres de la Chambre.²³ He conceived that it would be worth £500 to the Province to make them acquainted with that first.²⁴

MR. DUFRESNE ... backed the suggestion of Mr. Young by some remarks in French.²⁵ [Il] parle en faveur de la proposition. Si on s'y opposait on l'aurait dû faire lorsqu'elle fût amenée pour la première fois devant la Chambre. La chose selon lui a déjà été décidée. Si l'hon. membre pour Drummond n'était pas dans la Chambre dans ce temps-là ce n'est pas la faute de la Chambre. Il ne sait rien des dépenses dont parle l'hon. membre pour Drummond, et s'il les avait connues lors du vote en faveur du voyage, il s'y serait certainement opposé.²⁶ [He] was at first opposed to the project under the impression that it was merely a pleasure trip that was intended; but after the explanations of the Commissioner of Public Works he highly approved of it.²⁷ Il ne regarde pas l'affaire comme une promenade ou un divertissement, car comme il l'entend elle a été proposée dans le but de rétablir la santé des membres, et de les rendre capables de travailler avec industrie et courage quand ils reviendront. Il s'opposerait à un voyage ayant pour but l'avantage ou l'amusement des membres, car leurs constituants ne les ont pas envoyés en Chambre pour cela; mais il voit dans le voyage un moyen de promouvoir l'intérêt public. Il ne partagera ni le vin ni les autres plaisirs coûteux s'il y en a; mais quand on veut faire venir dans notre pays des émigrés

de toutes les parties de l'univers, on ne doit pas épargner une dépense faite dans le but d'éclairer ceux qui ont à juger des mesures propres à atteindre cette fin.²⁸

DR. MASSON backed the suggestion of Mr. Young by some remarks in French.²⁹

MR. POULIOT supported the motion and said that in place of being a progressionist Mr. Dorion really proved himself to be a retrogressionist.³⁰

MR. J.S. MACDONALD, of Glengary, said that if the members for Soulangue and of Drummond and Arthabaska were not satisfied with the general arrangement they could, at their own expense, return by what ever route they pleased.³¹ [He] hoped that the motion would be carried without a division.³²

(152)

The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Chauveau, and the Question being put, That this House will, at the rising of the House this day, adjourn until Tuesday next; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Bowes, Bureau, Casault, Cauchon, Chabot, Chapais, Chauveau, Church, Crawford, Daly, Jean B. Daoust, Delong, Desaulniers, DeWitt, Dionne, Dostaler, Dufresne, Felton, Fergusson, Ferrie, Foley, Fortier, Fournier, Frazer, Freeman, Holton, Jackson, Jobin, Labelle, Langton, Laporte, Larwill, LeBoutillier, Lumsden, John S. Macdonald, McCann, McKerlie, Marchildon, Masson, Meagher, Merritt, Mongenais, Morin, Joseph C. Morrison, O'Farrell, Patrick, Polette, Poulin, Pouliot, Prévost, Rhodes, Roblin, Scatcherd, Shaw, Stevenson, Taché, Wright, and Young.--
(59.)

NAYS.

Messieurs Bourassa, Darche, Jean B.E. Dorion, Hartman, Mackenzie, and Valois.--
(6.)

So it was resolved in the Affirmative.

Ordered, That Mr. Pouliot have leave to bring in a Bill to amend and consolidate the Laws for the prevention of damages to and deterioration of property either under seizure or hypothecation, to the prejudice of the seizing or hypothecary creditor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the seventeenth day of October instant.

Sur motion de MR. CASALT,³³

(152)

Ordered, That the Petition of Jean Langlois, of the City of Quebec, Esquire, Advocate, complaining of an undue Election and Return for the County of Saguenay, be referred to the General Committee of Elections.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of William Workman and others, and find that the Notice has been fully given.

Your Committee have examined the Petition of the Town Council of Bytown, for an Act to erect the said Town into a City, under the name of the City of Ottawa, and find that sufficient Notice was given so far as the incorporation of the said Town is concerned; but the name of the proposed City is stated therein to

be Queensborough, while in the Petition the name is given as the City of Ottawa.

With respect to the Petition of P.A.C. Munro and others, Physicians and Surgeons, Professors of the Montreal School of Medicine and Surgery, praying for amendments to the Act incorporating the said School of Medicine, Your Committee find that the Notices have been given for the District of Montreal only, while the amendments proposed are of such a nature as to affect the whole of

(153)

Lower Canada; the majority of Your Committee, however, are of opinion that Your Honorable House should be advised to consider the Notice sufficient.

On the Petition of the New York, Newfoundland, and London Telegraph Company, praying for an Act to confirm their Charter, &c., Your Committee find that no Notice has been given; but in a matter of this nature, in which private interests cannot be injuriously affected, Your Committee have no hesitation in recommending that the 62nd Rule be suspended.

The Petitions of Mrs. M.L.C. Panet and other Ladies of the City of Quebec, for incorporation of the Lying-in Hospital of St. Joseph; of Louis Roussy and others, Members of the Evangelical Society established at Grande Ligne, District of Montreal, for an Act of Incorporation; of Peter Freeland and others, Members and Friends of the Upper Canada Bible Society; of William Rees, of the City of Toronto, for incorporation of a Society for the prevention of cruelty to animals; of the Reverend Edouard J. Crevier, of the Parish of Ste. Marie de Monnoir, Diocese of St. Hyacinthe, for incorporation of the College of Ste. Marie de Monnoir; of Joseph D. Ridout and others, on behalf of the Canadian Order of Old Fellows in connection with the Manchester Unity, for an Act of Incorporation; and of the Right Reverend the Roman Catholic Bishop of Toronto, for incorporation of St. Michael's College, Your Committee find to be of such a nature as not to require a Notice.

Your Committee have considered the Instruction of Your Honorable House "to inquire and report as to whether or not the Petitions presented during the last Session of the fourth Parliament, praying for the passing of measures of a private nature, may serve during the present Session for the introduction of such measures; and whether it is necessary that such Petitions be referred by Order of Your Honorable House to this Committee, or what other mode of proceeding should be adopted to bring the said Petitions under the consideration of this Committee:" Your Committee are of opinion that Petitions presented to Parliament during one Session cannot form the basis of legislation in a succeeding Session; and this objection will have still more force when a dissolution has taken place in the interval. It is possible that by pursuing such a course injustice might be done, from Petitioners having been induced to change their opinions in the mean time, whilst no inconvenience can result from requiring new Petitions which, if the subject is important enough to require legislation, may easily be obtained.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to regulate the inspection of Pot and Pearl Ashes in Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twelfth day of October instant.

MR. YOUNG moved for an address to the Governor praying him to cause suitable means to be adopted, by which the natural products and manufactures of Canada may be represented in the World's Fair to be held at Paris in the year 1855. He commenced by stating what steps had been taken previous to the great London Exhibition, and urged that a similar course be adopted towards that to be held in Paris next year.³⁴ He considered it of great importance (sic) that Canada should

be fairly represented on that occasion; and suggested the appointment of a local executive committee to carry out this object.³⁵ He contended that the greatest benefit had been derived by the Province from the display it made at London; and endeavoured at some length to show the benefits Canada must derive from being well represented at the Paris Exhibition.³⁶ La représentation de l'industrie canadienne à l'exposition dans le Palais de Crystal de Londres, il y a quatre ans, a contribué puissamment à faire connaître la province, et à disposer les capitalistes anglais à envoyer leurs fonds en ce pays. On pourrait exporter beaucoup en France si les deux pays se connaissaient.³⁷ He said a large concourse of people from the German States and other parts of the continent would be there, and he considered that it was of deep importance that they should see what Canada can do. He hoped no opposition would be made to his motion.³⁸

MR. PROV. SEC. CHAUVEAU said the subject had not escaped the attention of the government, although at that moment he could not inform the House of the precise steps they were going to take. He believed the subject was one of deep importance to the Province; and the government were prepared to do all in their power to promote the proper representation of the province at Paris.³⁹ Il s'est proposé d'octroyer une somme de £5,000 pour aider la représentation de l'industrie du Canada en France. Il croit qu'on doit nommer (*sic*) un comité central, avec d'autres comités moins grands, pour les diverses sections, --par exemple pour les comtés ou autrement. Les descendants de la France doivent y avoir un intérêt tout particulier; ils sont attachés par le sentiment à leur ancienne mère-patrie, mais ils peuvent lui être attachés aussi par des liens matériels, --par le commerce. Aujourd'hui, un grand nombre d'émigrés de l'Europe passent par ce pays; et il est bien probable qu'on peut prendre des mesures qui engageront plusieurs d'entre eux, surtout ceux de la Belgique et du nord de la France; à rester sur le sol. Ce serait la source d'une richesse immense.

On obtiendrait aussi un fort commerce d'exportation, surtout maintenant que les ports de la Baltique sont fermés au commerce des produits comme ceux du Canada. Il est vrai que la France, plus prudente que nous, a pou[r]vu à ce que ses forêts fussent renouvelées, néanmoins il paraît que nos bois s'y vendraient à grand profit. Aujourd'hui que l'Angleterre et la France sont engagées ensemble dans une grande guerre, c'est une chose très remarquable que de voir la France tenir cette exposition paisible, et, certes, le Canada, qui a tant d'intérêt dans les deux nations, doit s'empresser de faire sa petite part pour faire réussir l'oeuvre. Il ne veut pas opposer la proposition; cependant le gouvernement a résolu d'agir là-dessus. La seule chose qu'il craint, c'est qu'on ne soit peut-être en retard. Mais on pourrait remédier à cela si chaque membre tâchait d'imprimer dans les esprits de ses propres constituants l'importance de la concurrence à laquelle on les invite.⁴⁰

MR. CAMERON said it was refreshing to witness the manner in which this proposition was received by the House.⁴¹ [Il] croit que le peuple du Bas-Canada doit désirer de se voir représenter en France autant que les habitants du Haut-Canada désiraient, il y a quatre ans, se voir représenter à l'exposition du Palais de Crystal. Comme ceux-ci voulaient envoyer à la vieille Angleterre ce qu'il fallait pour faire connaître leur partie de la province, de même ceux-là voudront, sans doute, envoyer à la vieille France--ou plutôt à la jeune France--ce qui est nécessaire pour les faire connaître dans le pays de leurs ancêtres, et pour démontrer que les descendants ne sont pas indignes des pères. Tous ceux qui ont été à l'exposition en Angleterre seront d'avis que l'intérêt que prend l'Angleterre aujourd'hui dans le pays, n'est dû à aucun changement dans les

institutions politiques du Canada, mais à ce qu'on a vu de nos produits et de notre industrie dans le Palais de Crystal. C'est là qu'on a puisé les renseignements sur ce pays, et qu'on s'est assuré que le Canada ne tombera pas en arrière ni en fait de produits naturels, ni en fait de manufactures. En faisant connaître les ressources du pays, on donnerait aux émigrés une raison de s'arrêter ici au lieu de passer simplement par notre territoire.⁴² It was pleasing to see there was no division on a subject like that.⁴³ Whatever difference of opinion there might be in the House as to the principles on which the government was conducted, there could be none about providing the necessary means to procure the desired representation of our products on the occasion in question.⁴⁴

MR. MARCHILDON, in French, spoke against the motion.⁴⁵ [He] thought they had better open up country roads than spend money on such a matter as that or railroads. (Laughter.)⁴⁶

CAPT. RHODES parle aussi en faveur d'un octroi d'argent public pour subvenir aux dépenses de la représentation des produits et de l'industrie du Canada à l'exposition française.⁴⁷ As chairman of the Lower Canada Agricultural Committee ... he hoped the Agriculturists would take the matter in hands (*sic*) in earnest, and put their shoulders to the wheel. When in France sometime ago he had learned from the minister of Marine that we might expect facilities from the French Government in sending our timber, and the government was desirous of procuring the best timber for the navy.⁴⁸

MR. MERRITT [said] ... a few words⁴⁹.

MR. LARWILL stated that he agreed with hon. Gentlemen, as to the propriety and advantage to this country of being properly represented in its natural products, and manufactures at the great exhibition in Paris. He would, however, suggest a something in addition, which he thought would meet the approval of the country; it was, that the Government should grant a sum, say £50, to each county council, that would raise an equal sum for sending to the exhibition an intelligent, practical, working mechanic--such mechanics to be selected by the Councils conforming to the requirement; and that such additional sums be granted to the several cities for said object as would be equal to their representation. The cost would be trifling, the advantages manifold. Such a class of men would both receive and import valuable information. They might either draft or make models, patterns, &c., of every article possessing either merit or worth, and upon their return this knowledge would be equally distributed through Canada; would be demonstrated and put into use by skilful workmen, moving in their own sphere of life and action. Fancy such a body of men commingling with their fellows in Europe, delineating our form of government, the character of our institutions and the advantages and disadvantages of emigration to Canada. Many of these mechanics might hope to better their condition by crossing the Atlantic. Trade in Europe was much subdivided, and it required practical men to give correct information as to what branches might do well in Canada. The mechanics of Toronto, Montreal, and Quebec would cordially co-operate, he was sure, in an enterprise so well calculated to promote the general good. Of course these persons would go to Paris in the same ship which took the materials for exhibition, all of them free of charge; they would have £100 each to expend while there, which would be quite sufficient, as they would meet with hospitable treatment. Upon the way out, those of them who could speak French, might prepare themselves to deliver lectures upon useful topics.⁵⁰

DR. FRAZER espère que si on tâchait de représenter le Canada à l'exposition,

on pourvoiera à ce que cela soit fait d'une manière plus complète qu'il ne l'a été pour l'exposition de Londres, où la petite île de Terre-Neuve fournissait une exhibition bien plus considérable que celle des deux Canadas.⁵¹

The motion was carried without division.⁵²

(153)

On motion of the Honorable Mr. Young, seconded by Mr. Holton, Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause suitable means to be adopted by which the natural products and manufactures of Canada may be represented in the World's Fair, to be held in Paris, in the year 1855.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Poulin have leave to bring in a Bill to incorporate the ... College of Monnoir.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

(154)

Ordered, That Mr. Powell have leave to bring in a Bill to erect the Town of Bytown into a City, under the name of the City of Ottawa.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Canada, Newfoundland, and London Telegraph Company.

MR. CAUCHON propose la première lecture du bill pour incorporer la compagnie de Télégraphe entre New-York, le Canada, Terre-Neuve et l'Europe.⁵³

MR. J.S. MACDONALD dit qu'on a déjà fait imprimer ce bill, qu'il tient actuellement à la main. C'est un bill des plus extraordinaires et auquel la Chambre doit s'opposer.⁵⁴

MR. CAUCHON said the objectionable features had been all expunged, and that the bill he proposed to introduce was not at all the same as the hon. gentleman wished to read.⁵⁵

MR. J.S. MACDONALD went on.⁵⁶ [He] opposed the motion at some length, saying that the bill asked for extraordinary powers, such for instance as the grant of 100,000 acres of land.⁵⁷ He read provisions of the bill authorizing the Commissioner of Crown Lands to grant to the Company 100,000 acres of land⁵⁸ pour encourager cette entreprise, et on a la modestie de demander de plus, qu'on ait le choix d'entre toutes les terres incultes de la province, et qu'on veuille les choisir en grands blocs de pas moins de 5,000 arpents chaque. Il y a aussi dans le bill des demandes pour des subventions pécuniaires⁵⁹, an issue of \$100,000 of Provincial debentures to the Company⁶⁰, pour donner encore plus d'aide à cette compagnie.⁶¹ He denounced these provisions in strong terms.⁶² Pense-t-on que la Chambre se compose de sots, qu'on ose venir ainsi devant elle proposer de tels gaspillages! C'est insulter la Chambre que d'introduire un tel bill. Encore si la Chambre se décidait, dans la suite, à faire quelque chose pour l'encouragement de cette entreprise, elle devra le faire d'une manière qui assurera au pays l'avantage de ce mode de communication pour lui-même. D'après le bill tel que

dressé, on peut recevoir les terres et les fonds de la province pour construire une ligne à laquelle on ne toucherait pas. On doit pourvoir à ce que la province ait, au moins, le bénéfice de ses propres dépenses. D'ailleurs, pour lui, il pense que ce plan est un des plans les plus imaginaires, quoiqu'il n'ait aucune objection à ce qu'un encouragement raisonnable soit donné à la compagnie.⁶³

MR. CAUCHON said the hon. member had wasted all his eloquence.⁶⁴ [He] protested against the reading of the bill in his hand: it was not the bill at all intended to be introduced. He (Mr. C.) had himself expunged all these objectionable clauses. The parties interested had got the bill drawn in the shape the hon. member had read, got it printed and placed it in the hands of members. But when it was put into his hands, he at once informed the applicants that he would not consent to give them either land or money; he informed them that, as ... the enterprise was for their own benefit, they must carry it out with their own money. If the hon. member found in the bill, as he now proposed to introduce it, any objectionable clauses, he would be willing to strike them out.⁶⁵ Il ne voit aucune raison pour l'opposition de l'hon. membre, surtout à la première lecture.⁶⁶

MR. MACKENZIE protested against the suspending of the rules, by which this bill was placed out of its order and ahead of others that ought to take precedence of it.⁶⁷

MR. YOUNG said the bill, as it had been placed in his hands, was highly objectionable. The member for Montmorenci had spoken of the great public importance of the project. It did not strike him in that light.⁶⁸ [He] contended that his bill would not meet the object of giving us early telegraphic information.⁶⁹ The bill proposed to carry the line along the south shore of the St. Lawrence to Nova Scotia; and thence to Newfoundland. This route he looked upon as objectionable; we had the best route within Canadian territory--commencing at Quebec and going to the Straits of Belle Isle, thence, a distance of only nine miles to Newfoundland. The ocean steamers, stopping at the Straits of Bellisle, could be supplied with coal, and thus the quantity they would require to bring from Europe would be reduced. We should then be enabled to receive telegraphic intelligence from Europe about three days in advance of all other parts of America;⁷⁰ we might make the United States dependent on us for the first news.⁷¹ They would be indebted to us for that news. The present scheme was wholly in the interest of the Americans.⁷²

MR. MERRITT said, here was a project of the utmost importance; and we were asked to reject it because it took a particular route. He was prepared to support the proposition and to give the Company all the lands they required.⁷³

(154)

Ordered, That Mr. Cauchon have leave to bring in a Bill to incorporate the Canada, Newfoundland, and London Telegraph Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Holton have leave to bring in a Bill to incorporate the Canada Ocean Steam Navigation Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twelfth day of October instant.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester

Unity.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-fifth day of October instant.

The Order of the day for the second reading of the Bill to enable the Reverend William Ritchie to sell and convey or demise certain Lands held by him in trust, being read;

On motion of MR. CAMERON⁷⁴,

(154)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Toronto Coal Company, being read;

Ordered, That the Bill be read a second time on Tuesday the twenty-fourth day of October instant.

The Order of the day for the House in Committee on the Bill to exempt the tools or implements of any Debtor's trade or calling, and the wearing apparel, the bedding, and other furniture necessary for the use of his family, from seizure and sale under execution for debt, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

Then, on motion of the Honorable Mr. Cameron, seconded by the Honorable John Sandfield Macdonald,

The House adjourned until Tuesday next.⁷⁵

APPENDIX: 3 OCTOBER 1854.

[QUESTION AND ANSWER RE: DIVISION LINE BETWEEN UPPER AND LOWER CANADA.]

MR. MONGENAIS [asked a question.]⁷⁶

MR. COM. PUB. WORKS CHABOT stated ... that it was the intention of the Government to introduce a bill this session to fix the division line between Upper and Lower Canada.⁷⁷

[QUESTION AND ANSWER RE: SCHOOL INSPECTORS.]

[MR. MONGENAIS asked a question.]⁷⁸

MR. PROV. SEC. CHAUVEAU said ... that the Government did not intend to do away with school inspectors, but on the contrary to increase their powers.⁷⁹

FOOTNOTES: 3 OCTOBER 1854.

1. LE PAYS, 5 October 1854.
2. IBID.
3. IBID.
4. GLOBE, 11 October 1854.
5. LE PAYS, 5 October 1854.
6. GLOBE, 11 October 1854.
7. LE PAYS, 5 October 1854. LA MINERVE, 7 October 1854, comments: "Quand la proposition de ce voyage a été soumise à la chambre pour la seconde fois, le petit représentant des Comtés unis de Drummond et d'Arthabaska, voulut s'amasser un peu de capital politique (chose qu'il avait oubliée de faire lorsque la motion fut proposée la première fois) en prétendant que les dépenses de cette promenade seraient énormes. Mais on a ri de ses petits moyens et de l'exagération qu'on est habitué à voir chez lui."
8. TORONTO LEADER, 11 October 1854.
9. LE PAYS, 5 October 1854.
10. GLOBE, 11 October 1854.
11. LE PAYS, 5 October 1854.
12. GLOBE, 11 October 1854.
13. LE PAYS, 5 October 1854.
14. GLOBE, 11 October 1854.
15. LE PAYS, 5 October 1854.
16. GLOBE, 11 October 1854.
17. IBID.
18. IBID.
19. IBID.
20. TORONTO LEADER, 11 October 1854.
21. GLOBE, 11 October 1854.
22. TORONTO LEADER, 11 October 1854.
23. LE PAYS, 5 October 1854.
24. GLOBE, 11 October 1854.
25. TORONTO LEADER, 11 October 1854.
26. LE PAYS, 5 October 1854.
27. GLOBE, 11 October 1854.
28. LE PAYS, 5 October 1854.
29. TORONTO LEADER, 11 October 1854.
30. GLOBE, 11 October 1854.
31. TORONTO LEADER, 11 October 1854.
32. GLOBE, 11 October 1854.
33. LE PAYS, 7 October 1854.
34. GLOBE, 11 October 1854.
35. TORONTO LEADER, 11 October 1854.
36. GLOBE, 11 October 1854.
37. LE PAYS, 5 October 1854.
38. GLOBE, 11 October 1854.
39. IBID.
40. LE PAYS, 5 October 1854.
41. GLOBE, 11 October 1854.
42. LE PAYS, 5 October 1854.
43. GLOBE, 11 October 1854.
44. TORONTO LEADER, 11 October 1854.
45. IBID.
46. GLOBE, 11 October 1854.

47. LE PAYS, 5 October 1854.
48. GLOBE, 11 October 1854.
49. IBID.
50. MACKENZIE'S WEEKLY MESSAGE, 13 October 1854.
51. LE PAYS, 5 October 1854.
52. GLOBE, 11 October 1854. LE PAYS, 5 October 1854, reports: "M. Young retire alors sa motion, laissant la chose entre les mains du gouvernement." LA MINERVE, 7 October 1854, states: "Elle fut retirée sur l'assurance donnée par M. Chauveau que le gouvernement s'était occupé de la chose et se proposait même d'accorder £5000 pour cet objet, désirant ardemment que le Canada soit dignement représenté à Paris l'an prochain."
53. LE PAYS, 5 October 1854.
54. IBID.
55. TORONTO LEADER, 11 October 1854.
56. IBID.
57. GLOBE, 11 October 1854. This report was included within a report dated 2 October 1854.
58. TORONTO LEADER, 11 October 1854.
59. LE PAYS, 5 October 1854.
60. TORONTO LEADER, 11 October 1854.
61. LE PAYS, 5 October 1854.
62. TORONTO LEADER, 11 October 1854.
63. LE PAYS, 5 October 1854.
64. GLOBE, 11 October 1854.
65. TORONTO LEADER, 11 October 1854.
66. LE PAYS, 5 October 1854.
67. TORONTO LEADER, 11 October 1854.
68. IBID.
69. GLOBE, 11 October 1854.
70. TORONTO LEADER, 11 October 1854.
71. GLOBE, 11 October 1854.
72. TORONTO LEADER, 11 October 1854.
73. IBID.
74. Telegraph (MORNING CHRONICLE, 4 October 1854).
75. GLOBE, 11 October 1854, states that: "The House adjourned at 1 p.m. till Tuesday next." TORONTO LEADER, 11 October 1854, indicates that: "the House adjourned at half-past one o'clock p.m."
76. Telegraph (MORNING CHRONICLE, 4 October 1854).
77. IBID.
78. Telegraph (PILOT, 4 October 1854).
79. IBID.

TUESDAY, 10 OCTOBER 1854.

(155)

MR. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the fourteenth day of September last past, issued by His Excellency the Governor General, and addressed to the Returning Officer for the City of Hamilton (Hugh C. Baker, Esquire,) appointed by Commission, for the election of a Member to represent the said City of Hamilton in the Legislative Assembly, in the present Parliament, in the room of the Honorable Sir Allan Napier MacNab, Knight, who, since his election as the Representative of the said City of Hamilton, had excepted (sic) an Office of profit under the Crown, to wit: the Office of President of Committees of the Honorable the Executive Council of the Province of Canada, by means whereof the seat of the said Honorable Sir Allan Napier MacNab, Knight, as the Representative of the said City of Hamilton had become vacant, Allan Napier MacNab, Knight, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the second day of October instant, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,
Quebec, 9th October, 1854.

Félix Fortier,
Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

Mr. Speaker also acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the fourteenth day of September last past, issued by His Excellency the Governor General, and addressed to the High Sheriff of the United Counties of Huron and Bruce, (John McDonald, Esquire,) Returning Officer ex officio for the said United Counties of Huron and Bruce for the election of a Member to represent the said United Counties of Huron and Bruce in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable William Cayley who, since his election as the Representative of the said United Counties of Huron and Bruce, had excepted (sic) an Office of profit under the Crown, to wit: the Office of Inspector General of the said Province, by means whereof the seat of the said Honorable William Cayley, as the Representative of the said United Counties of Huron and Bruce, had become vacant, the Honorable William Cayley has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the fourth day of October instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,
Quebec, 10th October, 1854.

Félix Fortier,
Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

(156)

John Sanborn, Esquire, one other Member appointed by Mr. Speaker to serve on the General Committee of Elections, and not objected to by the House, took the following Oath:

I do swear that I will truly and faithfully perform the duties belonging to a Member of the General Committee of Elections, without fear or favor, to the best of my judgment and ability. So help me God.

Mr. Speaker laid before the House,--Returns from the Registrars of the following Counties in Upper Canada, viz.: Brant, Dundas, Elgin, Frontenac, Glengarry, Haldimand, Lambton, Lenox and Addington, Lincoln, Millville, Oran, Peel, Peterborough and Victoria, Russel, Wellington, and York, received in pursuance of the Order of this House of the 14th September last.

For the said Returns, see Appendix (Z.)

Mr. Speaker also laid before the House,--Returns from the following Religious and Philanthropic, Educational and Literary and Scientific Incorporations, viz.:--College of Ste. Marie at Montreal, for the Scholastic year 1853-54; Berthier Academy for the years 1851-2 and 3; Friends' Seminary at Hallowell, on 15th September, 1854; Canada Baptist Missionary Society, 18th September, 1854; Canada Military Asylum for the year ending 30th June, 1854; L'Académie Industrielle de St. Laurent, 1854; Soeurs de la Charité de Québec, 19th September, 1854; Soeurs de Ste. Croix, 1854; Canadian Institute at Toronto, for the years 1851 and 1853; Mechanics' Institute of Toronto, 15th September, 1854; Mechanics' Institute of Montreal, 19th September, 1854; and Quebec Library Association, 1853; received in pursuance of the Order of this House of the 14th September last.

For the said Returns, see Appendix (A.A.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable John Sandfield Macdonald,--The Petition of Glengarry Division, No. 21, and the Petition of Peerless Division, No. 130, both of the Order of the Sons of Temperance; the Petition of William Smith and others, of the Village of Martintown; and the Petition of Daniel Kennedy and others, of the North-west of Glengarry.

By Mr. Jobin,--The Petition of M. Dorval and others, of the County of Montcalm.

By the Honorable Mr. Merritt,--The Petition of the Reverend James Neill and others, of the Township of Howard and other places; the Petition of Thomas F. Park and others, of the County of Essex; the Petition of the Municipality of the Township of Gosfield; the Petition of the Municipality of the Township of Harwich; the Petition of the Municipality of the Township of Dover; the Petition of the Municipality of the Township of West Tilbury; the Petition of the Municipality of the Township of East Tilbury; the Petition of the Municipality of the Township of Romney; the Petition of the Municipality of the Township of Mersea; the Petition of the Municipality of the Township of Colchester; the Petition of the Municipality of the Township of Raleigh; the Petition of the Municipality of the Township of Malden; the Petition of the Municipality of the Town of Amherstburg; the Petition of the Municipality of the Township of Sandwich; the Petition of the Municipality of the Township of Maidstone; the Petition of the Municipality of the Township of Rochester; the Petition of the Municipality of the Township of Anderdon; the Petition of Thomas Merritt and others, of St. Catharines; the Petition of W. Pierce Howland, of the Township of York, County of York, Miller; and the Petition of Nicholas Lake and others, of the North Riding of the County of Hastings.

(157)

By Mr. Darche,--The Petition of P. Blanchet and others, of the City of Montreal; and the Petition of Pierre Blanchet, of the Parish of St. Mathias, County of Rouville.

By Mr. Fortier,--The Petition of the Reverend L.T. Fortier and others, School Commissioners of the Parish of Nicolet; the Petition of the Reverend L.T. Fortier and others, Trustees for the erection of a Schoolhouse in the Parish of Nicolet; and the Petition of T. Trigge and others, on behalf of the Inhabitants of Nicolet, and other places.

By Mr. Crawford,--The Petition of Richard Coleman and others, of the Village of Lyn, Canada West.

By Mr. Laporte,--The Petition of the Reverend François P. Porlier and others, of the Parish of Pointe aux Trembles, District of Montreal.

By Mr. Powell,--The Petition of Richmond Division, No. 142, of the Order of the Sons of Temperance.

By Mr. Freeman,--The Petition of John Young and others.

By Mr. Scatcherd,--The Petition of Henry Edwards and others, of Lobo, Canada West.

By Mr. Ferres,--Two Petitions of the City of Toronto Water Company; and the Petition of the Megantic Junction Railway and Navigation Company.

By Mr. Langton,--The Petition of James Wallace and others, of the United Counties of Peterborough and Victoria.

By Mr. Galt,--The Petition of Joseph Pennoyer, of the Town of Sherbrooke, Land Surveyor.

By Mr. Gill,--The Petition of Mrs. Josephte Grenier and Mrs. Luce Bergeron, Teachers, of the Parish of St. Michel, County of Yamaska; and the Petition of Leon Rousseau and others, of the Seigniorship of Yamaska.

By Mr. Casault,--The Petition of Jean Langevin, of the City of Quebec.

By the Honorable Mr. Morin,--The Petition of the President and Directors of the Montreal Horticultural Society.

By Mr. Frazer,--The Petition of Hydraulic Division, No. 90, of the Order of the Sons of Temperance.

By Mr. Guévremont,--The Petition of James Kelly and others, of Ste. Victoire; and the Petition of John George Crebassa and others, of the Borough of William Henry.

By Mr. Antoine Aimé Dorion,--The Petition of Mrs. M. Lunn and other Ladies, Directresses of the University Lying-in Hospital of Montreal; and two Petitions of the Montreal and New York Railroad Company.

By Mr. Holton,--Two Petitions of the Montreal Board of Trade; and the Petition of William McClarty and others of Pike River, County of Missisquoi.

By Mr. Murney,--The Petition of John Johnston and others, of the Township of Rawdon; the Petition of G.W. Ball and others, of the Township of Rawdon; the Petition of James Haggertie and others, of the Township of Huntingdon; the Petition of Marcus Dimond and others, of the Township of Elgiver; and the Petition of George Howell and others, of the Township of Hungerford.

By Mr. Sanborn,--The Petition of Emma Brown and other Ladies of the Eastern Townships; the Petition of Levi R. Dean and others, of Hereford, County of Compton; and the Petition of S.A. Hurd and others, of the Township of Eaton and vicinity, County of Sherbrooke.

By Mr. Felton,--The Petition of Thomas C. Allis and others, of Shipton, County of Sherbrooke; the Petition of Sewell Scofield and others, of Sutton; the Petition of Thomas Donegan, of the Township of Tingwick, County of Drummond; and the Petition of William Brown and others, of Kingsey, County of Drummond.

By Mr. Biggar,--The Petition of the Literary and Temperance Association of the Village of Scotland, County of Brant.

(158)

By Mr. Bureau,--The Petition of the Reverend P. Bedard and others, of the Counties of Napierville and Laprairie.

By Mr. Wright,--The Petition of Henry Bull and others, of the Village of Markham.

By Mr. Southwick,--The Petition of the Municipality of the Township of Dunwich; and the Petition of Elijah C. Bens and others, Stockholders in the Port Bruce Harbour Company.

By Mr. Charles Daoust,--The Petition of the Reverend Messire Charland, on behalf of the Nuns of the sacred Names of Jesus and Mary, of Beauharnois.

By Mr. Solicitor General Ross,--The Petition of the Reverend D. Martineau and others, of St. Joseph and other places situated on the Kennebec Road; and the Petition of J.O.C. Arcand and others, of the Parishes of St. Joseph and St. Frederic de la Beauce, County of Beauce, and of the Township of Broughton, County of Megantic.

By Mr. Lemieux,--The Petition of Claurent Chabot and others, of the Parish of Notre Dame de la Victoire.

Pursuant to the Order of the day, the following Petitions were read:--

Of Jean Dion, of the City of Quebec, Pilot; complaining of his illegal arrest and improper treatment by certain Policemen of the said City, and of the subsequent proceedings of the Inspector and Superintendent of Police with reference thereto, and also of the refusal of the Executive Government to institute inquiry in the premises; and praying that inquiry may be made into the conduct of John Maguire, Esquire, the said Inspector and Superintendent, in order to his dismissal from the said office.

Of Skeffington Connor and others, late Professors of Law and Medicine in the University of Toronto; praying for the re-establishment of the Faculties of Law and Medicine in the said University, or otherwise that they may receive compensation for their sudden dismissal therefrom.

Of the Municipality of the Township of Guelph; praying that Municipalities holding Stock in the Galt and Guelph Railway Company, may be authorized to vote thereon the same as private individuals.

Of Samuel Phillips, of the City of Montreal, Teacher; praying for aid to establish his School, known as the St. Urbain Street Academy, upon a permanent basis.

Of the Medical Faculty of McGill College; praying for aid.

Of the Fonthill Library Association and Mechanics' Institute of the County of Welland; praying for aid.

Of Ferrand Smith and others, of the Township of Canborough, County of Haldimand; of Elwood Hughes and others, of the Township of Whitechurch, County of York; of Lobo Division, No. 395; of Westwood Division, No. 206, both of the Order of the Sons of Temperance; of James Draper and others, of the Township of Markham; of Salem Eckardt and others, of the Township of Markham; of S.J. Gemmill and others, of Elizabethtown and Young; of John Bruce and others, of the Township of Brant, and of the Village of Walkerstown, County of Bruce; of Sidney Warner and others, of the Township of Ernesttown; of the Reverend James Brock and others, Sons of Temperance, and others; and of A.M. Arthur and others, of the Township of Beckwith; praying for the passing of a Prohibitory Liquor Law.

Of Eucher Dion and others, of the Parish of St. Thomas and Township of Montminy, in the County of Montmagny; praying aid for the construction of a Road

to the said Township, to promote the settlement thereof.

Of William Boylan and others, of Dawn, Euphemia and the Gore of Camden; praying that the Lands from Lots 19 to 24, on the River Sydenham, in the Gore of

(159)

Camden, may be attached to the Township of Dawn, to which they originally belonged.

Of F.E.H. Pelletier and others, School Commissioners of the Parish of St. Eustache, County of Two Mountains; praying aid to erect the Elementary School in the said Parish into a Model School or Academy.

Of the Clerk and other Officers and Servants of this House; representing that the great changes which have taken place of late in the value of money, and the increased prices of the necessaries of life, have reduced the actual value of their salaries, rendering them inadequate to the necessities of the times; and praying that certain Resolutions, adopted in Committee of the whole House during the Session of 1852-3, may be declared to be in full force, and for such further relief as the House may deem meet.

Of the North Shore Railway Company; representing that their original Stock-Book was destroyed by fire at the burning of the Parliament Buildings at Quebec, in January last, and praying for the passing of an Act to authenticate a copy of the said Stock-Book.

Of Michael Mulligan and others, of the Township of Ross, and other places in the County of Renfrew; praying aid for the construction of a Road from the Village of Cobden, in the said Township, to the Village of Eganville, in the Township of Grattan.

Of W. Radford and others, of the Township of Clarendon, County of Pontiac; praying aid for the construction of a Road from Aylmer to the Calumet.

Of C. Alleyn, Esquire, and others interested in the Trade, Steam and General Navigation, and Agriculture, in the Districts of Montreal and Quebec; praying aid for the construction of a Wharf at the old Bie Harbour.

Of the Reverend P.M. Mignault, Curé of Chambly; praying for the construction of a Seminary for the education of Females in the said Parish.

Of Félix E. Juneau, Teacher, of St. Roch's, Quebec; praying an annual grant in behalf of his School.

Of Thomas Mackie and others; praying for an Act of Incorporation under the name of the Canada Copper Company.

Of Charles Perry and others, Millowners, and others residing in and near the Town of Peterborough; praying for an Act of Incorporation to enable them to construct a Tram or Railroad from the Mills in that neighbourhood to the terminus of the Cobourg and Peterborough Railway.

Of the Officers and Members of the Corresponding Committee at Montreal of the Colonial Church and School Society; praying for an Act of Incorporation.

Of Charles Forneret and William Morrison, Trustees of the Dissentient School of Berthier, District of Montreal; praying for aid in behalf of the said School.

Of the Reverend T. Brassard and others, of the Parish of St. Ignace du Coteau du Lac, County of Soulanges; praying aid for the establishment of a College, to be called the College of Coteau du Lac.

Of John J. Loy, of the Parish of St. Zotique, County of Soulanges; praying for the passing of an Act to authorize the Medical Board of this Province to admit him to the practice of Medicine and Surgery.

Of the Turnkeys employed in the Montreal Goal (sic) and House of Correction; praying for increased wages.

Resolved, That the Petition of Louis Roussy and others, Members of the Evangelical Society established at Grande Ligne, District of Montreal, be referred to

a Select Committee, composed of Mr. DeWitt, Mr. Frazer, Mr. Ferres, Mr. Holton, and Mr. Sanborn, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

(160)

Ordered, That Mr. Whitney have leave of absence for fifteen days.

Ordered, That the leave of absence granted to Mr. Chisholm be extended until Monday next.

Ordered, That the Petition of Luc Letellier, Esquire, of the Parish of Rivière Ouelle, in the County of Kamouraska, Notary Public, lately a Candidate at the Election for the choice of a Member to represent the said County in the present Provincial Parliament of this Province, and as such duly qualified, be referred to the General Committee of Elections.

On motion of MR. J.S. MACDONALD¹,

(160)

Ordered, That the Petition of the Clerk and other Officers and Servants of this House, be referred to the Standing Committee on Contingencies.

Ordered, That the said Petition be printed for the use of the Members of this House.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated the 14th ultimo, for Statements of Sales and Revenue of the Seigniori of Lauzon.

For the said Return, see Appendix (B.B.)

On motion of MR. HARTMAN²,

(160)

Ordered, That the Petition of Jean Dion, of the City of Quebec, Pilot, be printed for the use of the Members of this House.

On motion of MR. LANGTON³,

(160)

Ordered, That the time fixed by the Rules of the House for receiving Petitions for Private or Local Bills be extended to the 24th instant; for receiving Private or Local Bills to the 6th of November next; and for receiving Reports of Standing or Special Committees on such Private or Local Bills to the 20th of November next.

DR. MASSON moved an Address to His Excellency for copies of all Reports of the Superintendent of Education for Lower Canada, from the 1st of January last, and of all documents accompanying the same.⁴

Il dit qu'il a entendu dire qu'il y a un bill dressé par M. le Surintendant entre les mains du gouvernement, et qu'il désire que ce bill soit soumis à la Chambre. Le gouvernement a exprimé son intention de soumettre un semblable bill, et il veut que la Chambre soit à même de voir lequel des deux est le meilleur.⁵

MR. PROV. SEC. CHAUVEAU admet qu'il y a un bill tel que mentionné par l'hon. membre, et il dit aussi qu'il est très probable que le gouvernement se servira de quelques suggestions de M. le Surintendant. Mais malgré cela il croit qu'il ne serait pas convenable de soumettre à la Chambre le projet de loi préparé par le Surintendant. Ce monsieur n'est qu'un officier du gouvernement, chargé, non

pas du devoir de législater, mais de celui d'administrer la loi. Tout ce qu'il peut faire, c'est de suggérer ses idées au gouvernement. Il ne serait pas à propos de le placer dans une position où il se trouverait peut-être, si le gouvernement n'adoptait pas son bill, c'est-à-dire en opposition avec ses chefs.⁶

MR. JOBIN pense que le pays a droit de voir l'ouvrage de M. le Surintendant. Ce monsieur est souvent accusé de ne pas bien conduire son département, et on doit être mis à même de juger entre son bill et celui du gouvernement.⁷

MR. COM. CR. LANDS MORIN agreed with the Provincial Secretary. There was such a report as is asked for by the mover, but it had been laid before the House. The draft of a bill was presented by the Superintendent of Education to the Government for their consideration, and it was not right that such should be made public.⁸

[He] opposed the production of the draft of [a] bill sent by the Superintendent of Education to the Government.⁹

No course should be taken either by the Government which would place them in opposition to the Superintendent. It would not do for the Government to bring forward a bill, or the responsibility would fall upon them of not adopting the bill proposed by their own officer. The Government, however, would avail themselves of whatever measure might be best in respect of Education in Lower Canada. He (Mr. M.) did not know whether there was anything which ought not to be made public in the matter, but he did not believe that any public officer should be improperly placed in relation to the Government, and as this Superintendent surely must be if the motion of the Hon. member prevailed.¹⁰

MR. PROV. SEC. CHAUVEAU fait remarquer que le gouvernement est souvent obligé de refuser certaines motions faites par les membres de la Chambre, et il est heureux de ce qu'en refusant celle-ci à un de ses amis, il puisse faire voir qu'il est impartial quand il s'agit d'un principe.¹¹

[He] was pleased to see that this motion was made by a member of the government instead of the opposition. If any person had a desire to see responsible government carried on upon proper principles, it should be as set forth by the commissioners (*sic*) of crown lands. It was a matter resting solely between the government and the Superintendent, and the former were not bound to put the information before the House. That would be done when the government considers it most available. At the same time it was placing the Superintendent and the government in a false position towards each other by granting the motion, in fact, there would be two bills before the House.¹²

MR. J.S. MACDONALD dit que cela est très bien de la part de M. le Secrétaire, mais¹³ when justice is not displayed by the Government, in a matter of this kind, the Opposition should support a motion like the present, which sought to give it. (Hear, hear.) A copy of the Bill was asked for by this motion, and is found in the report. Now it would only be necessary for the Clerk to copy it, and he (Mr. M.) would very much like to know if the House should not see the Superintendent's views upon Education. He did not, for himself, see anything unfair in the suggestions of Mr. Masson. But the object appeared to be, to stifle the Bill which was sent in, and he believed that the Superintendent of Education for Upper Canada had once submitted a Bill or Report, and that Bill was brought down by the Government with some amendments,-- therefore, what could be the objection here? The Superintendent having sent in a Bill, the answer of the Government is--"Oh! it is not right to send down that Bill." Now, he (Mr. M.) would ask, if it was probable that anything like unfairness or imprudence shewn by the Superintendent, to which the Administra-

tion did not like the country to be exposed? This House had the unquestionable right of calling forth from an officer in their employ the experience that he possessess (sic) upon the particular subject, and the¹⁴ draft of bill ought to be laid before the House,¹⁵ by the officer,¹⁶ in order that it might be seen on what principles the Superintendent of Education for Lower Canada had desired legislation on the subject of education¹⁷ [and] whether he has or not made any new suggestions.¹⁸ La Chambre désirera certainement connaître les opinions et les vues d'une personne aussi expérimentée que le Surintendant d'éducation. Si le gouvernement accepte la responsabilité de rejeter ses plans, on doit en savoir la raison.¹⁹ They did not know but what the Government might come down, adopt the measure, and take the credit for it themselves.²⁰

MR. PROV. SEC. CHAUVEAU said that the Report had been before the House.²¹

MR. A. DORION observe que le rapport du Surintendant parle de certains documents qui l'accompagnent. Le Surintendant a donc voulu que ces documents fussent lus avec son rapport pour l'expliquer. Ce sont ces documents que demande la motion maintenant devant la Chambre, et ils doivent être présentés avec le rapport, comme les bases des recommandations du rapport.²²

MR. PROV. SEC. CHAUVEAU said, that the Superintendent had sent to the Government four copies of his Report with the documents that accompanied it. One of these had been laid upon the table of the House.²³

MR. COM. PUB. WORKS CHABOT believed, that after the Bill of the Government should be submitted, that there would not probably be any objections advanced against the bill of the Superintendent being laid before the House.²⁴

DR. MASSON.--Had not asked for anything but the documents spoken off (sic) in the Report.²⁵

MR. PAPIN.--Thought that the House had a right to demand all the correspondence between the Superintendent and the Government. At this period of progress, every one desired to work for the spread of education, and no difficulties should be placed in the way. He did not see any reason for refusing a motion so just as this under consideration.²⁶

MR. HINCKS found that the objections of the Hon. Provincial Secretary were not to be controverted.²⁷ There was no one whosoever had any responsibility in conducting the government who would not admit that the arguments of the Commissioner of Crown Lands were unanswerable. There could be no object whatever in getting the bill; and he did not believe that any object was to be attained by presenting to the House any other than the regular official documents from the educational department.²⁸ If government officers could not communicate with their employers confidentially without Government being necessitated to submit those communications to the House, the progress of affairs would be very much obstructed. It was the duty of the Superintendent to make an annual report, which should be submitted to the House--beyond that his communications to the Ministry were of a confidential character. It appeared that this officer had sent a Bill down for the information of the Government, which if they adopted they would do upon their own responsibility. If not it would be embarrassing to them and to the Superintendent to lay it before the House.²⁹

MR. CAUCHON considered the case to be precisely that of a Bill drawn by a member of the Ministry which was afterwards put aside, in order that another might be prepared. The House would certainly not have the right to such a bill.³⁰ It would be as reasonable to ask the government to produce a draft of

bill prepared by one of their number before it was agreed upon by the others, as to insist upon this being laid before the House.³¹

MR. LORANGER desired that the motion be adjourned after the suggestion that had fallen from the Hon. Commissioner of Public Works. Nevertheless, he would vote for it if a division were forced.³²

MR. J.S. MACDONALD said, that the Report ought to have been printed and placed in the hands of the members a long time ago. It had been presented to the House in the month of June last, and the Report of the Superintendent for Upper Canada had been printed.³³ He had been informed that the bill was part of the report.³⁴

MR. PROV. SEC. CHAUVEAU corrected the hon. gentleman. The bill had no connection with the report.³⁵

(160)

Mr. Masson moved, seconded by Mr. Laporte, and the Question being put, That an humble Address be presented to His Excellency the Governor General, for copies of all Reports of the Superintendent of Education for Lower Canada, from the first of January last, and all documents accompanying the same;

The House divided:

Yeas, 24.

Nays, 34.

So it passed in the Negative.

Ordered, That Mr. Poulin have leave to bring in a Bill to provide for the establishment of County Courts in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-third day of October instant.

Ordered, That Mr. Bowes have leave to bring in a Bill to incorporate the St. Michael's College in the City of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the seventeenth day of October instant.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

(161)

Mr. Speaker,

The Legislative Council request this House to give leave to George Brown, William Lyon Mackenzie, and John Langton, Esquires, three of their Members, to attend and give evidence before the Select Committee of the Legislative Council appointed to inquire into the accusations made against the Members of the late Administration.

And then he withdrew.

Resolved, That this House will send an answer to the said Message, by Messengers of their own.

And the Master in Chancery was again called in, and Mr. Speaker acquainted him therewith.

And then he again withdrew.

Ordered, That the Return relative to Jean Blanchet, Esquire, which was presented on the 25th September last, be printed for the use of the Members of this House.

Ordered, That Mr. Crawford have leave to bring in a Bill to explain the Act 16 Vic. cap. 184.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Valois have leave to bring in a Bill to amend the Act incorporating the Montreal School of Medicine and Surgery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-fourth day of October instant.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Acts and Ordinance concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses and Churchyards, with respect to the levying of monies for the purposes mentioned in the said Acts and Ordinance.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eighteenth day of October instant.

MR. CAUCHON introduit un bill pour amender l'acte des banques d'épargnes de cette province. Il explique que l'objet du bill est de permettre aux banques d'épargnes de payer leurs présidents, ce qu'elles ne peuvent faire actuellement; et aussi de leur permettre d'acquérir des propriétés pour leurs propres fins. Le bill n'a aucun autre but.³⁶

(161)

Ordered, That Mr. Cauchon have leave to bring in a Bill to amend the Act relative to Savings Banks in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Casault have leave to bring in a Bill for the prevention of Intemperance in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-fourth day of October instant.

Ordered, That Mr. McKerlie have leave to bring in a Bill to provide for the appointment of Crown Prosecutors in the Counties of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Casault have leave to bring in a Bill to amend the Act to

(162)

make better provision for the establishment of Municipal Authorities in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eighteenth day of October instant.

Resolved, That a Message be sent to the Legislative Council, to inform their Honors, that this House do give leave to George Brown, William Lyon Mackenzie, and John Langton, Esquires, three of the Members of this House, if they think fit, to attend and give evidence before the Select Committee of the Legislative

Council appointed to inquire into the accusations made against the Members of the late Administration.

Ordered, That Mr. Solicitor General Smith do carry the said Message to the Legislative Council.

MR. THIBAudeau moved that during the remainder of the session no member shall have the right to speak for more than three quarters of an hour upon the same question.³⁷

MR. MACKENZIE created great laughter by saying that an hour was enough for any man to speak at one time.³⁸ [Il] dit qu'à Washington personne ne peut parler plus qu'une heure. Il y a aussi une autre règle. On fixe un temps quand le débat doit finir et le temps ainsi fixé, personne ne peut parler plus de quinze minutes.³⁹

(162)

On motion of Mr. Thibaudeau, seconded by Mr. Pouliot,

Resolved, That during the remainder of the Session no Member shall have the right to speak longer than three quarters of an hour on the same Question.

The Order of the day for the second reading of the Bill to constitute the Electoral County of Sherbrooke into a separate Municipality, and to establish a Registry Office therein, being read;

Ordered, That the Bill be read a second time on Tuesday the seventeenth day of October instant.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated the 27th ultimo, for copies of all Papers relative to appointments of Justices of the Peace and Commissioners of Small Causes in the Parish of Longueuil, having reference to the last appointments made.

For the said Return, see Appendix (C.C.)

The Honorable Mr. Chauveau also presented, by command of His Excellency the Governor General,--Report of the Inspectors of the Provincial Penitentiary, for 1853.

For the said Report, see Appendix (D.D.)

The Order of the day for the second reading of the Bill to amend and consolidate the Laws in relation to the crimes of Forgery and False Personation, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Criminal Law of Canada.

The Order of the day for the second reading of the Bill to amend the Naturalization Laws of this Province, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to prevent the traffic in alcoholic and intoxicating Liquors, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to enforce the enreg-

(163)

istration of Titles to Lands in the Townships of Lower Canada, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Interpretation Act in so far as it relates to Holidays, being read;

Ordered, That the Bill be read a second time on Tuesday the twenty-fourth day October instant.

The Order of the day for the second reading of the Bill to amend the Law of Patents for Inventions, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to incorporate the Quebec and Saguenay Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to authorize the sale of certain lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the object of the trust, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to extend the Act, intituled, "An Act to authorize limited Partnerships in Upper Canada," to Lower Canada, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to protect the Employés of the Government of this Province in certain Departments of the Public Service, from being compelled to labor on the Lord's Day, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Brockville and Ottawa Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to secure the more convenient assembling of the Provincial Parliament, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to incorporate the Masson College at Terrebonne, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

(164)

The Order of the day for the second reading of the Bill to authorize the County of Middlesex to negotiate a loan of One hundred thousand pounds to consolidate the County Debt, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act to authorize the construction of a Railway from Galt to Guelph, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate St. Francis College, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate certain persons under the name and style of the Stratford and Huron Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee of Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate a Company for the purpose of constructing a Road from Amherstburg on the Detroit River, until it intersects the different lines leading to the Niagara River, and for other purposes, being read;

MR. MERRITT moved the second reading of the Bill to incorporate a company to construct a railroad from Amherstburg to the Niagara River.⁴⁰

MR. HINCKS said the Bill had not been distributed.⁴¹

MR. J. MORRISON, of Niagara, made the same remark.⁴²

MR. PRES. EX. COUN. MACNAB said the subject was one of great importance; and as hon. members had not received their copies of the bill, he hoped the mover would delay his motion for a few days.⁴³

MR. MERRITT said the road proposed had been petitioned for by a large number of persons; and as it interfered with no other line, he hoped there would be no objection to the second reading.⁴⁴

At the suggestion of MR. PRES. EX. COUN. MACNAB, the second reading was postponed for two days.⁴⁵

(164)

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to alter and amend certain provisions of the Act of the Imperial Parliament re-uniting the Provinces of ... Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on Friday the twenty-seventh day of October instant.

The Order of the day for the second reading of the Bill further to amend the Act incorporating the Montreal and Vermont Junction Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the House in Committee on the Bill to exempt the tools or implements of any Debtor's trade or calling, and the wearing apparel, the bedding, and other furniture necessary for the use of his family, from seizure and sale under execution for debt, being read;

*The House accordingly resolved itself into the said Committee;*⁴⁶

MR. MACKENZIE [propose] la première clause⁴⁷.

MR. O'FARRELL s'oppose à ce que le bill soit étendu au Bas-Canada où la loi

actuelle, d'après lui, est bien plus juste que n'est celle que propose l'hon. membre pour Haldimand. Il croit que le bill tel que proposé, au lieu d'améliorer la condition du débiteur pauvre, tendra fortement à l'empirer, en autant qu'il empêchera d'obtenir le crédit qui lui est souvent nécessaire pendant nos hivers rigoureux. Les pauvres ne vivent point sur l'argent durant cette saison, mais bien de denrées fournies par leurs créanciers. Si on ôte au créancier tout recours contre le débiteur, celui-là cessera d'accorder du crédit. Il y a encore une injustice dans le bill en autant qu'il pose les mêmes limites à l'exemption pour toutes les classes. Ainsi le laboureur aura droit de garder autant de meubles que l'homme de profession, qui a des besoins bien plus étendus que ne sont ceux de la classe ouvrière. La loi actuelle du Bas-Canada est beaucoup meilleure, car elle exempte de la saisie tous les meubles, de sorte que l'homme de profession conserve ce qu'il lui faut tout aussi bien que les autres classes.⁴⁸ [He] desired to have the bill confined to Upper Canada.⁴⁹

MR. FELTON thought it good, and that it should apply to the whole Province. He only regretted it was in such unfortunate hands.⁵⁰

MR. MACKENZIE parle en faveur de son bill, comme étant une mesure qui favorise fortement les classes pauvres.⁵¹

MR. PAPIN approuve le principe du bill; mais il désire en réformer certaines clauses, surtout celle qui concerne les propriétaires et locataires. Si l'exemption s'expliquait au contrat de loyer, il serait très difficile pour un pauvre homme d'obtenir un logement, parce que le propriétaire n'aura aucun moyen de s'assurer de son paiement.⁵²

MR. COM. PUB. WORKS CHABOT approuve aussi le principe du bill; mais il veut qu'il soit renvoyé encore au comité parce qu'il le trouve très défectueux dans quelques-uns de ses détails. Par exemple le bill n'indique aucun moyen de décider si les choses qui pourraient être saisies valent plus ou moins de \$100. Le débiteur dirait peut-être qu'elles ne valent pas autant, pendant que l'huissier dirait qu'elles valent le double.⁵³ Suppose mechanics' tools, etc., to the value of £20, were exempted, who was to be the judge of their value? The bill made no provision for that.⁵⁴ Il faut établir un moyen de décider cette question par experts ou autrement.⁵⁵ For that reason he thought the Committee had better rise and report progress for the present.⁵⁶ Le bill exempte les églises d'être saisies, mais dans le Bas-Canada les églises ne sont pas saisissables; cela dépend peut-être de la différence du système, quoiqu'il paraisse ridicule à ceux qui ne connaissent pas le système du Bas-Canada. Il croit aussi que les propriétaires de maisons ne doivent pas être privés des privilèges qu'ils ont aujourd'hui; et cela dans l'intérêt du pauvre tout aussi bien que dans celui du propriétaire.⁵⁷

MR. A. DORION exprime une opinion semblable.⁵⁸ [He] approved of the principle of the bill.⁵⁹

MR. MARCHILDON did not, and thought it would only create embarrassment.⁶⁰

MR. FREEMAN croit aussi qu'il serait bien mieux de le renvoyer au comité spécial.⁶¹

MR. MACKENZIE said alterations had been made in the bill since it was first printed, but had no objections to report progress.⁶²

(164)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Frazer reported, That the Committee had made some progress, and directed him to move

for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to extend the Jurisdiction of the Division Courts in Upper Canada, being read;

The Bill was accordingly read a second time.

(165)

Then, on motion of Mr. Antoine Aimé Dorion, seconded by Mr. Mackenzie,
The House adjourned.⁶³

APPENDIX: 10 OCTOBER 1854.

[NOTICE OF MOTION: FOR ADDRESS TO HIS EXCELLENCY, REGARDING NEGLIGENCE OF ELGIN ASSOCIATION IN OMITTING AN ANNUAL REPORT; AND ALSO ASKING FOR A STATEMENT OF ITS REAL AND PERSONAL ESTATE.]

MR. LARWILL gave notice, on Monday next, [he would move for an] Address to His Excellency the Governor General, setting forth the gross and continued negligence of the Officers and directors of the Elgin Association, in omitting to make an Annual Report of the Receipts and Expenditure of the said Corporation, as also a statement of the real and personal estate held and enjoyed by them, to each branch of the Provincial Legislature, within fifteen days after the opening of each session thereof, in accordance with the law and praying that His Excellency will be pleased to direct the following information to be laid before this House:--

1stly. Copies of the porceedings (sic) of said Association, and reports thereon for each year since the incorporation of said Society, down to the 10th of August 1854; a copy of the names of each shareholder, their places of residence, with the number of shares held by each; what has been paid upon each share, by whom paid, & what is due thereon; the number of shares transferred; the present market value of each share; and, if any, what number of share[s] has been forfeited.

2ndly. The quantity and quality of the Land purchased by the said Corporation; the condition of purchase; the sum to be given per acre; the time and terms of payment, if they have been complied with, and, if not, why not? A copy of all such rules and regulations touching the management and disposition of the Land properties, estate, and effects of the said Association.

3rdly. The number of public buildings erected, their location, dimensions, uses, and cost of construction; of the settlement and improvement of the said lands and as touching the duties of the officers and servants of said Corporation, showing the whole income, wages, emoluments and allowances paid to the said officers and servants severally; the quantity of Land sold, leased, or otherwise disposed of; the number of the lot or part of lot; the number of acres contained therein, the number of acres claired (sic) and enclosed, the price paid per acres (sic) therefor, of the annual rent thereof, together with all other conditions of said purcase (sic); whether any deeds have been issued by said Corporation, to whom and by which authority; the names of all owners (sic) occupants of Lands in said settlement; the places of their activity, and whether free-born or slaves; how long each has resided in this country, and if naturalized or not.

4thly. If Common School or other Educational Institutions have been established within the settlement, their number, character, and composition; the number of scholars in attendance daily at each; if any white childern (sic) attend such schools, the conditions and terms upon which they attend; copies of the Rules and Regulations of said Schools; the religious duties and exercises therein performed, is the schools (sic) sectional, and if so, the amount of the Government grant received by each yearly, if the schools be free and if not, the rates of tuition; also, if there be a Priest, Parson, or Pastor to the said Association, to what denomination he belongs; his duties, powers, privileges and pay; also, a statement of all debts and obligations against the Institution.⁶⁴

[NOTICE OF MOTION: FOR SPECIAL COMMITTEE TO INVESTIGATE CHARGES AGAINST THE LATE ADMINISTRATION.]

MR. SOL. GEN. H. SMITH [gave notice that] on Thursday next [he would move] that a Special Committee consisting of seven Members be appointed for the purpose of investigating all charges preferred or alleged in this House, or elsewhere, respecting the dealing of any Member or Members of the late Administration in the purchase of Public Lands, in the traffic or purchase of Provincial, or Municipal, or other Public Securities, or Stocks, or of Stocks in Railways, in the construction of Public Works, either Foreign or Provincial, and respecting any other charges of official misconduct whatever against them or any of them.⁶⁵

[NOTICE OF QUESTION RE: ACT OF 1853 TO REGULATE CURRENCY TO BECOME AVAILABLE.]

MR. FERRIE [gave notice that] on Monday next [he would make] Enquiry of Ministry when the Act to regulate the currency of this [Country] (passed in 1853, and lately declared to be in force by the Governor General's proclamation) will be made available particularly as regards introducing small silver and copper coins into circulation throughout the Country.⁶⁶

[QUESTION AND ANSWER RE: MINISTRY FORMATION.]

MR. J.S. MACDONALD, of Glengary, called upon the gallant knight from Hamilton to favor the House with the explanations usual on the formation of a new ministry.⁶⁷

MR. PRES. EX. COUN. MACNAB felt it his duty to say to this House all it had a right to know; and he hoped the hon. gentleman who asked for the explanation would wait till to-morrow night or the night after, when the Inspector General would be in the House, and, he hoped, also the Postmaster General.⁶⁸

MR. MACKENZIE.--I hope not.⁶⁹

MR. PRES. EX. COUN. MACNAB [continued:] In every other respect he was quite prepared to make his explanation.⁷⁰

The required indulgence was allowed.⁷¹

[QUESTION AND ANSWER RE: FRANCHISE ACT.]

Sur interpellation, MR. COM. CR. LANDS MORIN dit que l'acte de franchise passé à la dernière session est maintenant sous considération du gouvernement.⁷²

[WITHDRAWN MOTION RE: WOODSTOCK AND ERIE RAILWAY.]

MR. FOLEY moved that the Clerk of this House do call upon the Woodstock and Lake Erie Railway and Harbor Company to lay before this House without delay⁷³ information in relation to the conduct of affairs of the above Company, to consist of a list of names of the Directors, the number of Shares subscribed for by them, salaries allowed to officers, number of Shares held by the Stockholders, and how much paid thereon, with a statement of the Debentures received from the Municipalities respectively, the amounts paid for public property by the company, and what is yet due, &c. Also, names of contractors, and work agreed to be done by them, and whether contract price agreed to be given exceeds capital of the

company, and other information thereon. Also that a statement be furnished showing what suits at Law or in Equity the Company have been involved, and a detailed account, of their receipts and expenditures. The honorable gentleman proceeded to explain his reasons for bringing forward the motion⁷⁴. He explained that the Municipality of Simcoe had, on certain conditions, granted a loan of £50,000 to the Company; one of these conditions being that before the loan was given the Company should have the means of going on with the road. It turned out that the Company had no means but those it derived from the loans of the municipalities; that where an expenditure of £325,000 was required it had only £105,000. The municipality of Simcoe had got alarmed and petitioned the government to refuse its sanction to the by-law for raising the loan; and if it were not disallowed the municipality would be ruined. A few individuals who owned very little stock in the Company had, as directors, usurped the entire control of the Company; and four of the seven directors were partners in business (sic). Agreements made for land in the neighborhood of Simcoe by the directors had been kept a secret. There were two acts of directors who claimed to be legally elected; and a lawsuit had arisen out of their conflicting claims.⁷⁵

MR. PRES. EX. COUN. MACNAB said this was a matter that concerned the whole House. Here was a Company which had received a charter, and, according to the mover's own statement they possessed £105,000 to go on with, and had obtained loans from the municipalities. There was no petition from any stockholder, and yet information was asked for which the House had no right to demand. As to the by-law of the Simcoe municipality, it had been sanctioned and the money paid over.⁷⁶

MR. FOLEY was not aware that the money raised by the by-law had been paid over.⁷⁷

MR. PRES. EX. COUN. MACNAB thought if it were the case that four of the directors were partners in business, it was very wrong. He then read the motion and said it asked for information which the House had no right to demand.⁷⁸

MR. FOLEY had no desire to do what was irregular; and he thought he was asking for nothing but what the House had a right to obtain. The £105,000 which the Company possessed had been expended; and he believed in a way that was to the individual benefit of the directors. They had purchased the Port Dover Harbor and all the land in the vicinity. They had not expended £5 in such a way as to benefit the municipalities which had made loans to the company. It was not for the directors to expend the money of the Company to suit their own private purposes.⁷⁹

MR. COM. CR. LANDS MORIN said this was not a government question. There was no petition on the subject; if there were it might be referred to a committee who would ascertain whether the information asked could be granted. Much of the information asked was private and ought not to be granted.⁸⁰

MR. J.S. MACDONALD, of Glengary, thought that although the information asked was of a kind which it would generally be wrong to grant, this might be an exceptional case, as there seemed to be a misapplication of the funds.⁸¹

MR. HINCKS said the charter expressly authorised the purchase of Port Dover Harbor, about which so much as been said. He wished to know the names of the four partners who were directors.⁸²

MR. FOLEY named Mr. Farmer, Mr. Bagot, and Mr. some other; there was another,

whose name he could not remember. He believed there was not \$6,000 of bona fide private stock.⁸³

MR. HINCKS said there were only three partners. He admitted there was very little private stock, but the Company were proceeding with the work. There was hardly any Railroad Company that had all its capital subscribed when it commenced operations. It was not desirable that three partners in business should be in the directory; but there was some excuse in the fact of these men having been very active friends of the road. As for the municipality of Simcoe, it had given an order for the money to be paid over.⁸⁴

The motion was withdrawn.⁸⁵

[WITHDRAWN MOTION RE: COMMITTEE ON PRINTING.]

MR. STEVENSON moved for instructions to the Standing Committee on Printing to enquire into the receipts and expenditure connected with the Office of Queen's Printer, the work done and the price charged, including the tariff of charges on legal advertising in the Canada Gazette, the number of copies of the Gazette usually circulated; the rates of advertising wild lands in various localities liable to be paid for arrears of taxes, and the sums charged for the same--the charges of binding, stitching, stationary, &c., for the Government--and to report thereon to this House their opinion as to whether any, and if so, what improvement[s] appear to be required in that branch of public service. Mr. S. then proceeded to remark, that the system under which the printing for the House was now executed was very objectionable. Indeed if competition being created, which would have the effect of reducing the price now charged, it was altogether excluded. It was also desirable that the party to do the printing should not be necessitated to commence operations immediately, but have reasonable time for so doing⁸⁶. Il explique qu'on a pris l'habitude de faire les contrats pour les impressions de la Chambre pour chaque session, au milieu de la session même. Cette méthode est sujette à de graves inconvénients, car il est évident que personne ne veut commencer une besogne pareille sur un avis aussi court, excepté quelqu'un résidant dans la ville où les Chambres siègent.⁸⁷ The contract should be given out by his (Mr. S.'s) proposition, at the end of the session, for the printing to be executed the following Session, the party accepting the contract would have the time to himself that intervened between the one Session, and the following, and at the commencement of the next Session, therefore, he would be ready to go on with his work.--Contracts ought to be made in advance. He (Mr. S.) would propose to take this course.--⁸⁸ The present sessional printers, who did the work well, would be required to go on with the work till some new arrangement was made.⁸⁹ The journals of the Legislative Council had been printed previously for 1s 10d, and those of the House for 1s, per 1000 ems. He proposed to give 1s 4½ for the House printing now. The Legislative Council did not require much printing done, and consequently there was more competition for it, but it was different in regard to the printing of this House. Parties who accepted contracts would require to have a very large office, and for that reason there was little or no competition for it. The Committee desired that the House would allow them to enter into an engagement with the Printer for printing the journals at an advanced price, and to make such a bargain for the rest of the Session that the work can go on, and that in the course of the Session the Committee[e] may advertise for tenders to be sent in for the work of the next Session. The contracts will then commence, and those who send the tenders in will understand, that they have ample time to get their materials prepared. He proposed in effect, that

it should be announced at the commencement of each Session what the contracts for the following Session were to be.⁹⁰ En adoptant ce plan il croit qu'on aurait pu faire distribuer les journaux dans un délai de vingt à trente jours après la fin de chaque session, au lieu d'un délai de six mois comme aujourd'hui, lorsque l'imprimeur ne commence son ouvrage qu'au milieu de la session. D'après le contrat actuel, l'imprimeur de la Chambre est obligé de continuer jusqu'à ce qu'un contrat soit fait. Le comité propose de continuer son contrat jusqu'à la fin de la session, et faire annoncer de suite le contrat pour la session suivante.⁹¹ But as the price of printing has much advanced, he proposed also to increase the price by twenty per cent on the contract. He would conclude by moving that the first Report of the Committee on Printing be adopted.⁹²

MR. CAUCHON said the Committee must ascertain that the parties tendering are in a position to carry out any contract into which they may enter; not necessarily to accept the lowest tender, but the lowest for which the work can be done. But why change the system at this moment, if the House had not been injured by it?⁹³ [He] saw in the proposition of the Committee a desire to favor certain printers. He did not see any reason for changing a system like the existing one, which had lived since the Union, and which gave the work of the House to those who would execute it for the lowest price. To continue the contract with Messrs. Lovell for the present session would be in effect to give them the work without concurrence for six or seven months.⁹⁴ The session would last seven months; and the person now having the contract must necessarily keep it till the close. The House could not at present make contracts without doing injustice. He was opposed to the proposed change, and contended that the present system had worked well.⁹⁵ The Committee ought to follow the old plan and announce at once the contracts for the present Session.⁹⁶

MR. STEVENSON.--The hon. member for Montmorenci had heard no reason why the system should be changed. Now he (Mr. S.) did not propose any, nor the Committee, only to change the time of making the contract.⁹⁷ The work could be done cheaper by making the contracts a long time in advance. The object of the Committee was to consult the convenience of the competitors and to give a wider range to competition. All the Committee recommended was that the printing for this session should be done by the parties who have now the contract, at an advance of 25 per cent.; and that tenders for the printing of next session be asked for during the present, in order to give competitors an opportunity to get the necessary materials, and contracts entered into.⁹⁸ It must be supposed, that the persons appointed to do the work, have the facilities to do it; in which case they would be the most likely persons to do the work at the lowest price.⁹⁹

MR. THIBAUDEAU, in French, opposed the report.¹⁰⁰

MR. FERRES.--It had so happened that the contracts had hitherto been given out in the middle of the Session, and no printer had had an opportunity of getting up an establishment to enable him to compete with the present contractor, and that objection had always prevailed. If the members wished to obtain competition in printing, they must give the notice for tenders out a long time before they required the work to be commenced, and they would then introduce men with capital to go into the business, and if they succeeded in getting the contract they would get up an establishment equal to the working of it, but otherwise the House just secured to those who had the establishment, the doing of the work, without allowing any other establishment to come into operation, or industrious men and men of character to unite with men of capital in doing something for themselves.¹⁰¹ By this means competition would be extended to all the parties in the country. The recom-

mendations before the House ought to be adopted for the sake of economy and regularity.¹⁰² He (Mr. F.) was not aware that any favoritism was exercised as charged by the hon. member for Montmorenci.--The scale of prices which the Committee recommended has arisen from an increase in the price of labor. He was not altogether satisfied, however, with the composition of the Committee, and was sorry that Mr. Cauchon had not been placed thereon.¹⁰³

MR. HINCKS thought there could be little doubt that if the work be put up for general competition, that the best plan to follow would be that laid down by the hon. member for Missisquoi. They ought to get rid of the present system of getting the House printing done by one set of persons and the Legislative Council printing by another. That was the great source of difficulty--¹⁰⁴ but he doubted whether the most economical procedure would be by putting the printing to public competition. The Queen's printers had a large establishment; and¹⁰⁵ he thought that the House should enter into negotiations with the proprietors of the establishments which do the work at present¹⁰⁶ to ascertain whether they could not do the House printing at a considerable reduction of price; whether it would not be possible to unite in one set of hands the executive printing and the printing of the House.¹⁰⁷ It was well known what the prices were for doing it.... He considered it right upon the whole, that the Government should consider the subject.¹⁰⁸ He would prefer the matter should not be decided till the members of the government had had an opportunity of considering the matter.¹⁰⁹

MR. MACKENZIE would like to see a public printing establishment to do all the business.¹¹⁰ Wherever the Government might be, it should have a printing office of its own, the same as it engages translators, writers, and so forth. This might be objected to as likely to lead to favoritism, as everything in Government matters usually did.¹¹¹ Il ... [admet] que cela puisse dégénérer en job. Toutefois il ne peut concevoir pourquoi un homme doit avoir l'ouvrage encore pour un temps indéfini parce qu'il l'a déjà eu pendant une longue période.¹¹² The evils that had been shown to exist, were great¹¹³. We paid about twice as much for the printing and binding as it ought to cost.¹¹⁴ The printing of the Houses might be, as he had often stated, executed at nearly half its present cost, and he thought that with thirty or forty year's (sic) experience as an editor, that he knew more about the matter than any other member in the House. He had taken the pains last year of going practically to work, and had made out a bill appointing the whole work to be done for a certain period, by three persons, the Inspector General, the Receiver General, and the Commissioner for Crown Lands, being the persons who were to receive the tenders. Were this done for a certain time, and proper advertisements given out, and the whole of the printing given to three persons, so that each of them could execute a proper portion of the work, that would be the only proper way. Why should not all the printers in Canada have an opportunity afforded them of getting a share of this printing. The printer of the Spectator, at Hamilton, had come down to Quebec for the purpose of making an offer, as well as other printers from Montreal, Dundas, and elsewhere, and paper makers. If the Printing Committee had asked for tenders, they could have had them by this time. There were probably four hundred printing offices in the country, and were they to continue building up two printers by favoritism, (hear, hear.) He did not think that that was a right policy. The Crown Lands Commissioner might rise as often as he pleased, in his place, but could not prove that there was any necessity any longer for having this extravagant system continued (sic) except to waste away the public money of the country, and what with public jobs and other things of the like, they would when pay time arrived, find that the great mass of the people were very discontented at being taxed for that which did them no earthly good. These sort of

things might please Colonial Secretaries, but they did harm to the country, and sapped its very foundations. He did not, however, accuse hon. members of having done any intentional wrong; but if the Government wanted to do what is right now was their time at the beginning of the session.¹¹⁵ He recollected when they used to get the journals of one day printed on the next; but now we have to wait for a long time.¹¹⁶ He (Mr. M.) thought that the contract for printing of the journals should not continue, because they were not delivered in time.¹¹⁷ He wanted a renewal of the contract for printing and binding and for paper.¹¹⁸ It was true that a great deal of nonsense was printed. The expenses of the two Houses for last year for printing was something like \$350,000, or \$380,000. Paper had risen in price, and paper makers could not possibly be required to offer the same contract price now, that they did at the previous time.¹¹⁹ Les impressions de la Chambre ont coûté pour la dernière session quelques \$100,000 ou \$120,000, et enfin les journaux n'étaient distribués que longtemps après le délai spécifié dans le contrat. Il veut laisser continuer les imprimeurs actuels; mais il veut aussi que le gouvernement considère le sujet dans la vue de changer le présent système qui est très coûteux. Il montre à la Chambre certains documents imprimés par les imprimeurs de la Reine, et fait voir qu'ils auraient pu être imprimés à une dépense bien moins grande.¹²⁰ The Sheriff's advertisements, published in the official Gazette, paid ten times what they ought to pay. Even the advertisements of the government, published in the Gazette, to tell some simple thing, were made to occupy page after page. He had no doubt that the Queen's printers made a profit on the Gazette and all the other printing they do of \$25,000 or \$30,000 a year. The late Inspector General talked of compensating them--for having plundered the country for years. He (Mr. M.) had no objection to what they had got; but to speak of compensation was most unreasonable. It was not right to deprive all the printers in Canada of an opportunity of doing the public printing, in order that it may be given to one firm.¹²¹ Le Congrès de Washington a une personne chargée de contrôler tous les comptes des imprimeurs; mais ici ce devoir est laissé à chacun des clercs, et l'effet est qu'il est mal fait. La Gazette Officielle doit être publiée pour la dixième partie du prix actuel, auquel les propriétaires font ou peuvent faire un profit annuel de \$30,00[0] à \$40,000. Ce n'est pas seulement le gouvernement qui est ainsi pillé. Si on a saisi la terre d'un pauvre débiteur, on est obligé de payer à MM. les propriétaires de la Gazette un prix exorbitant pour annoncer la vente où personne ne verra l'annonce.

En imprimant les pétitions, au lieu d'en mettre, comme en Angleterre, plusieurs sur la même feuille, on emploie une feuille entière pour chaque pétition, quoiqu'elle ne contienne que cinq lignes. De même avec les bills. Dans l'Etat de Massachussetts (sic), ces documents sont imprimés de la manière la moins coûteuse; ici on les imprime avec un endossement ou autrement d'une manière très dispendieuse. Il lui semble aussi que l'imprimeur qui a le contrat pour les impressions de la Chambre doit avoir tout l'ouvrage pour lequel il a fait son contrat. Au lieu de cela les membres du ministère envoient leurs bills à MM. les imprimeurs de la Reine, sous prétexte qu'il ne doivent pas laisser transpirer leurs plans.¹²² There must be very large fortunes made by these Queen's Advertisers, Queen's Printers, and Queen's Gazette men,--either these men made it, or those associated with them.¹²³ If the government would take up the matter, he would present his bill to-morrow; and if they did not like it, they might do something else.¹²⁴

MR. STEVENSON said the question before the House had nothing to do with the Queen's printer or the Gazette¹²⁵ or anything of the kind--it was simply with regard to the Sessional printing. In regard to what the hon. member for Haldimand had said about giving printers an opportunity to compete, our printing at present

was done one half cheaper than a contract had been done in Upper Canada, when the hon. member for Haldimand had more to do with the matter than with this, (hear, hear); but within the last four or five years¹²⁶ [or] depuis deux ans même¹²⁷ the expense of printing had been reduced one-third. The whole expense for sessional printing¹²⁸ of the journals during the last parliament cost £20,000:¹²⁹ C'est une somme qui, sans doute, traduite en piastres, à la façon de l'hon. membre, paraîtrait très considérable, et elle est considérable en effet; mais l'ouvrage à faire est aussi bien considérable, et il croit que les imprimeurs de la Chambre travaillent pour tout ce qu'ils gagnent. On a distribué 18,000 volumes des journaux, et le coût n'en est plus que de £50,000 pour le tout.¹³⁰ He then contrasted the printing of the House with a job done for a private individual¹³¹. L'hon. membre finit par lire un mémoire d'impression faite pour une personne particulière, et qu'il dit n'être pas à un prix très haut, et par démontrer que ce mémoire montait à un tiers de plus que le prix de l'imprimeur de la Chambre.¹³² The copy for printing the journals and the orders of the day is frequently furnished at two or three o'clock in the morning, and the work has to be ready for distribution at an early hour in the morning.¹³³ The work he (Mr. S.) was satisfied could not be done cheaper than it had been.¹³⁴

MR. COM. CR. LANDS MORIN did not believe that so far as the printing for the House was concerned for the present session, that the Ministry could effect any new arrangement,¹³⁵ and therefore al[1] the arguments used on that branch of the subject were wasted.¹³⁶ But the subject ought to be looked into. As far as the merits of the matter were concerned, he was not able to judge, but he did believe that they might improve upon the proposition of the hon. member[s] for Prince Edward and Montmorenci. If he understood the former member, he desired that they should go on as they were for the present session, and that the contract for the next should be made this session. But the House, in his opinion, might have two sorts of tenders--¹³⁷ one for the printing of the House for the present session; the other for the work required to be done next session.¹³⁸ As to the printing generally, the Government had no objection to investigation; but the printing for the country must be official--¹³⁹ in his opinion, the associating of the public printing with the editorship of political journals had not worked well.¹⁴⁰ [It] was a bad plan.¹⁴¹ He did not believe that the economy of the member for Haldimand was true economy. There must be an official printer, with a large establishment, capable of doing a great amount of business at any moment.¹⁴²

MR. CAUCHON opposed the proposed contract system; and illustrated his proposition that it led to inferior work being done, by referring to the case of a person who tendered for the printing of the House, and who had applied to Mr. Macdonald, the paper maker, for an inferior description of paper for the work, costing only 16s. a ream, while that used by Mr. Lovell cost 20 shillings a ream.¹⁴³

The motion was withdrawn.¹⁴⁴

FOOTNOTES: 10 OCTOBER 1854.

1. MORNING CHRONICLE, 13 October 1854.
2. IBID.
3. IBID.
4. IBID.
5. LE PAYS, 14 October 1854.
6. IBID.
7. IBID.
8. HAMILTON SPECTATOR, 17 October 1854.
9. TORONTO LEADER, 17 October 1854.
10. HAMILTON SPECTATOR, 17 October 1854.
11. LE PAYS, 14 October 1854.
12. MORNING CHRONICLE, 13 October 1854. MONTREAL GAZETTE, 13 October 1854, HAMILTON SPECTATOR, 17 October 1854, and LA MINERVE, 19 October 1854, attribute this speech to Mr. Chabot.
13. LE PAYS, 14 October 1854.
14. HAMILTON SPECTATOR, 17 October 1854.
15. TORONTO LEADER, 17 October 1854.
16. HAMILTON SPECTATOR, 17 October 1854.
17. TORONTO LEADER, 17 October 1854.
18. HAMILTON SPECTATOR, 17 October 1854.
19. LE PAYS, 14 October 1854.
20. HAMILTON SPECTATOR, 17 October 1854.
21. IBID.
22. LE PAYS, 14 October 1854.
23. HAMILTON SPECTATOR, 17 October 1854.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. TORONTO LEADER, 17 October 1854.
29. HAMILTON SPECTATOR, 17 October 1854.
30. IBID.
31. TORONTO LEADER, 17 October 1854.
32. HAMILTON SPECTATOR, 17 October 1854.
33. IBID.
34. TORONTO LEADER, 17 October 1854.
35. IBID.
36. LE PAYS, 14 October 1854.
37. TORONTO LEADER, 17 October 1854.
38. IBID.
39. LE PAYS, 14 October 1854.
40. TORONTO LEADER, 17 October 1854.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. HAMILTON SPECTATOR, 17 October 1854 notes: "The House was in Committee for some time on Mr. Mackenzie's bill to exempt mechanics' tools, bedding, &c., from seizure for debt.--The principle of the bill was discussed to the same effect as on the second reading."

47. LE PAYS, 14 October 1854.
48. IBID.
49. HAMILTON SPECTATOR, 17 October 1854.
50. IBID.
51. LE PAYS, 14 October 1854.
52. IBID.
53. IBID.
54. HAMILTON SPECTATOR, 17 October 1854.
55. LE PAYS, 14 October 1854.
56. HAMILTON SPECTATOR, 17 October 1854.
57. LE PAYS, 14 October 1854.
58. IBID.
59. HAMILTON SPECTATOR, 17 October 1854.
60. IBID.
61. LE PAYS, 14 October 1854.
62. HAMILTON SPECTATOR, 17 October 1854.
63. TORONTO LEADER, 17 October 1854, notes: "The House adjourned at half past ten o'clock."
64. WESTERN PLANET, 11 October 1854.
65. MORNING CHRONICLE, 13 October 1854.
66. IBID.
67. TORONTO LEADER, 17 October 1854.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. LE PAYS, 14 October 1854.
73. TORONTO LEADER, 17 October 1854.
74. MORNING CHRONICLE, 13 October 1854.
75. TORONTO LEADER, 17 October 1854.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. HAMILTON SPECTATOR, 17 October 1854.
87. LE PAYS, 14 October 1854.
88. HAMILTON SPECTATOR, 17 October 1854.
89. TORONTO LEADER, 17 October 1854.
90. HAMILTON SPECTATOR, 17 October 1854. LE PAYS, 14 October 1854, states:
"l'impression des journaux du Conseil Législatif se fait à raison de 1s 10d par mille, pendant que celle de l'Assemblée se fait à raison de 1s 2d".
91. LE PAYS, 14 October 1854.
92. HAMILTON SPECTATOR, 17 October 1854.
93. TORONTO LEADER, 17 October 1854.
94. HAMILTON SPECTATOR, 17 October 1854.
95. TORONTO LEADER, 17 October 1854.

96. HAMILTON SPECTATOR, 17 October 1854.
97. IBID.
98. TORONTO LEADER, 17 October 1854.
99. HAMILTON SPECTATOR, 17 October 1854.
100. TORONTO LEADER, 17 October 1854.
101. HAMILTON SPECTATOR, 17 October 1854.
102. TORONTO LEADER, 17 October 1854.
103. HAMILTON SPECTATOR, 17 October 1854.
104. IBID.
105. TORONTO LEADER, 17 October 1854.
106. HAMILTON SPECTATOR, 17 October 1854.
107. TORONTO LEADER, 17 October 1854.
108. HAMILTON SPECTATOR, 17 October 1854.
109. TORONTO LEADER, 17 October 1854.
110. IBID.
111. HAMILTON SPECTATOR, 17 October 1854.
112. LE PAYS, 14 October 1854.
113. HAMILTON SPECTATOR, 17 October 1854.
114. TORONTO LEADER, 17 October 1854.
115. HAMILTON SPECTATOR, 17 October 1854.
116. TORONTO LEADER, 17 October 1854.
117. HAMILTON SPECTATOR, 17 October 1854.
118. TORONTO LEADER, 17 October 1854.
119. HAMILTON SPECTATOR, 17 October 1854.
120. LE PAYS, 14 October 1854.
121. TORONTO LEADER, 17 October 1854.
122. LE PAYS, 14 October 1854.
123. HAMILTON SPECTATOR, 17 October 1854.
124. TORONTO LEADER, 17 October 1854.
125. IBID.
126. HAMILTON SPECTATOR, 17 October 1854.
127. LE PAYS, 17 October 1854.
128. HAMILTON SPECTATOR, 17 October 1854.
129. TORONTO LEADER, 17 October 1854.
130. LE PAYS, 14 October 1854.
131. TORONTO LEADER, 17 October 1854.
132. LE PAYS, 14 October 1854.
133. TORONTO LEADER, 17 October 1854.
134. HAMILTON SPECTATOR, 17 October 1854.
135. IBID.
136. TORONTO LEADER, 17 October 1854.
137. HAMILTON SPECTATOR, 17 October 1854.
138. TORONTO LEADER, 17 October 1854.
139. HAMILTON SPECTATOR, 17 October 1854.
140. TORONTO LEADER, 17 October 1854.
141. HAMILTON SPECTATOR, 17 October 1854.
142. TORONTO LEADER, 17 October 1854.
143. IBID.
144. HAMILTON SPECTATOR, 17 October 1854. TORONTO LEADER reports: "The report of the Committee was withdrawn." LE PAYS, 14 October 1854, reports: "le rapport est adopté."

WEDNESDAY, 11 OCTOBER 1854.

(165)

MR. SPEAKER laid before the House--Returns from the following Incorporated Banks, Loan Companies, Savings Banks, and Insurance Companies, viz.:--Canadian Branches of the Bank of British North America, 15th September, 1854; Commercial Bank of the Midland District, 31st August, 1854; La Banque du Peuple, 1st September, 1854; Welland Canal Loan Company, 1st September, 1854; City and District Savings Bank of Montreal, on 1st January, 1854; Montreal Provident and Savings Bank, 1st June and 1st September, 1854; Northumberland and Durham Savings Bank, 1st June, 1854; Quebec Provident and Savings Bank, 1st March, 1854; Erie and Ontario Insurance Company, 20th July, 1854, received in pursuance of the Order of this House of the 14th of September last.

For the said Returns, see Appendix (E.E.)

Mr. Speaker also laid before the House,--Returns from the following Canal, Road, Railway and Navigation Companies, viz.:--Desjardins Canal Company, 31st March, 1854; Niagara and Ten-Mile Creek Road Company, 12th December, 1853; Sydenham Mountain Road, January, 1854; Cobourg and Peterborough Railway Company, 1st September, 1854; Great Western Railway Company, 30th September, 1854; London and Port Stanley Railway Company, 31st July, 1854; Megantic Junction Railway and Navigation Company, 21st September, 1854, received in pursuance of the Order of this House of the 14th of September last.

For the said Returns, see Appendix (F.F.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Wright,--The Petition of John H. Finley and others.

By Mr. Langton,--The Petition of John Counter, Esquire, of the City of Kingston.

By Mr. Cauchon,--The Petition of the North Shore Railway Company and the Montreal and Bytown Railway Company.

By Mr. Loranger,--The Petition of Louis Giard, Secretary, and J. Lenoir, Clerk, of the Board of Education for Lower Canada.

By the Honorable Mr. Chauveau,--The Petition of R.G. Belleau and others, of the Parish of Ste. Foye, County of Quebec, and others.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find that sufficient Notice has been given in each case, viz.:--of the Members and Trustees of Zion Church, in the City of Montreal; of La Banque du Peuple; of the President, Directors and Shareholders of the British North American Electric Telegraph Association; of Joseph Morrin and others, Shareholders in the Quebec Building Society; of the Municipality of the Village of Oshawa; and of Charles Perry and others, Millowners, and others residing in and near the Town of Peterborough.

The Petition of the Montreal and Bytown Railway Company prays for certain amendments to their Act of Incorporation, among which is included the privilege

(166)

of extending a Branch from Bytown to Lake Huron.--Your Committee find that no Notice relative to this Branch was published in any of the Counties through which it is proposed to pass; in other respects the Notices are sufficient, and Your Committee would recommend, that the Company be allowed to proceed upon the other portions of their application.

On the Petition of George Desbarats and others, Associates in the St. Lawrence

Mining Company, praying for an Act of Incorporation, Your Committee find that the Notice was published in the District of Quebec only; they therefore beg to recommend that the Company be confined in their operations to that District.

On the Petition of John J. Loy, of the Parish of St. Zotique, County of Soulanges, praying for an Act to authorize the Medical Board to admit him to the practice of Medicine and Surgery, Your Committee find that no Notice whatever has been given.

The Petition of the Officers and Members of the Corresponding Committee at Montreal of the Colonial Church and School Society, is not, in the opinion of Your Committee, of such a nature as to require the publication of Notice.

Ordered, That Mr. Mongenais have leave to bring in a Bill to extend to Lower Canada the provisions of an Act to establish a Standard Weight for the different kinds of Grain, Pulse, and Seeds in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Alleyn have leave to bring in a Bill further to amend the Act of Incorporation of the British North American Electric Telegraph Association, to enable the said Association to construct Branch Lines, and to subscribe for Stock in other Electric Telegraph Companies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to amend the Act to encourage the establishment of Building Societies in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill to incorporate the St. Lawrence Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Sir Allan N. MacNab be added to the Standing Committee on Railroads, Canals, and Telegraph Lines, in lieu of the Honorable Mr. Morin.

Resolved, That the Bill to extend the Jurisdiction of the Division Courts in Upper Canada, be referred to a Select Committee, composed of Mr. Freeman, the Honorable John Sandfield Macdonald, Mr. Matheson, Mr. Ferrie, and Mr. Felton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Honorable Mr. Merritt reported from the General Committee of Elections,

(167)

That they had selected the following eight Members to be the Chairmen's Panel, and to serve as Chairmen of Election Committees for the present Session:--The Honorable John Hillyard Cameron, James Smith, Esquire, Adam Johnston Fergusson, Esquire, Michael Hamilton Foley, Esquire, T.J.J. Loranger, Esquire, Timothy Lee Terrill, Esquire, Charles Joseph Laberge, Esquire, and Joseph Cauchon, Esquire.

Ordered, That the Report do lie upon the Table.

The Honorable Mr. Merritt reported from the General Committee of Elections,

That they had divided into three Panels the List of Members to serve on Election Committees.

Whereupon the Clerk decided by lot, at the Table, the order of the said Panels, and distinguished each of them by a number, denoting the order in which they were respectively drawn, as follows:--Panel A. No. 1; B. No. 2; and C. No. 3.

Ordered, That the said Panels be printed.

The Order of the day for the second reading of the Bill to incorporate the Toronto Exchange, being read;

Ordered, That the Bill be read a second time on Monday the twenty-third day of October instant.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture," being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto Athenaeum, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to authorize the Town of London to raise Sixty thousand pounds to consolidate the Debt of the Town, and for other purposes, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to incorporate a Company for the purpose of erecting an Hotel in the Town of London, being read;

Ordered, That the Bill be read a second time on Wednesday next.

(168)

The Order of the day for the second reading of the Bill to change the name of the Peterborough and Port Hope Railway Company, and to amend the Act incorporating the same, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to extend the time for completing the Louth Harbour, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Megantic Mining Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Quebec and St. Francis Mining and Exploring Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the College of Monnoir, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Resolutions:--

Resolved, That the Honorable Messieurs Moore, Walker, Ferrier, and Taché, be appointed to act on behalf of this House as Members of a Joint Committee of both Houses for the regulation and management of the Parliamentary Library.

Resolved, That the foregoing Resolution be communicated to the Legislative Assembly, by one of the Masters in Chancery.

And then he withdrew.

Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Morin,

The House adjourned.¹

APPENDIX: 11 OCTOBER 1854.

[NOTICE OF MOTION FOR CALL OF THE HOUSE RE: LEGISLATIVE COUNCIL BILL.]

MR. COM. CR. LANDS MORIN gave notice of a motion for a Call of the House on the² 27th instant³ to take into consideration the Legislative Council Bill.⁴

MR. J.S. MACDONALD, of Glengary, asked whether it were intended by the Ministry to adhere to the ordering announced by Mr. Morin, some time ago, of carrying the government measures.⁵

MR. PRES. EX. COUN. MACNAB replied that it was the intention of the Government to carry all the measures announced as speedily as possible, in the order that might be found most convenient.⁶ He positively intended going on with the Secularization Bill and the Legislative Council measure. He intimated that they should be carried in the shape mentioned by and according to, the promises of Mr. Morin.⁷

[NOTICE OF MOTION FOR CALL OF THE HOUSE RE: SEAT OF GOVERNMENT.]

MR. COM. CR. LANDS MORIN gave notice that he [would] move for a ... call of the House on the 7th November to consider the question of the seat of Government.⁸

[QUESTION AND ANSWER RE: CLERGY RESERVES BILL.]

MR. J.S. MACDONALD, de Glengary ... à l'ouverture de la séance ... s'enquit de M. Drummond qui se trouvait sur son siège quelle était son intention relativement à cette mesure [Réserves du Clergé].⁹

MR. AT. GEN. DRUMMOND donna à la Chambre l'assurance que le bill serait soumis mardi prochain, le 17 octobre.¹⁰

[ANNOUNCEMENT RE: RECIPROCITY TREATY.]

MR. AT. GEN. DRUMMOND a appris à la Chambre que le gouvernement américain ne tiendrait aucun compte du traité de réciprocité jusqu'à ce qu'il ait été sanctionné par le Parlement Impérial et par les Législatures Coloniales.¹¹

FOOTNOTES: 11 OCTOBER 1854.

1. The GLOBE, 16 October 1854, the TORONTO LEADER, 18 October 1854, the HAMILTON GAZETTE, 23 October 1854 and LE PAYS, 14 October 1854, all indicate that the House sat approximately one hour this day. LE PAYS, 14 October 1854, notes that Messrs. Brown and Mackenzie were absent.
2. TORONTO LEADER, 18 October 1854.
3. GLOBE, 16 October 1854.
4. TORONTO LEADER, 18 October 1854.
5. IBID.
6. IBID.
7. HAMILTON GAZETTE, 23 October 1854.
8. MORNING CHRONICLE, 12 October 1854.
9. LE PAYS, 14 October 1854.
10. IBID.
11. IBID.

THURSDAY, 12 OCTOBER 1854.

(168)

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable John Sandfield Macdonald,--The Petition of Thomas Wood, of the Township of Halifax, County of Megantic; the Petition of James Hunt, of the Township of Wolfestown, County of Wolfe; and the Petition of James Mitchell, of the Township of Wolfestown.

(169)

By Mr. Jean Baptiste Eric Dorion,--The Petition of A.B. Lafrenière and others of the Parish of St. Guillaume d'Upton.

By Mr. Polette,--The Petition of the Mechanics' Institute of Three Rivers.

By Mr. Galt,--The Petition of John Bishop and others, of the Township of Dudswell; the Petition of W. Ritchie and others, of the Town of Sherbrooke; and the Petition of R.W. Bishop and others, of the Township of Weiden, County of Wolfe.

By the Honorable Mr. Hincks,--The Petition of Washington Division, No. 334; and the Petition of Thamesford Division, No. 346, both of the Order of the Sons of Temperance.

By Mr. Bellingham,--The Petition of George Brown and others, on behalf of a Meeting of the Inhabitants of the County of Argenteuil; the Petition of Samuel Dale and others, of the Township of Chatham, County of Argenteuil; and the Petition of Samuel Hills and others, Sons of Temperance, and others, of Lachute and vicinity.

By Mr. Dionne,--The Petition of George Larue and others, of the Parish of St. George de Kakouna and other places, County of Temiscouata.

By Mr. Bureau,--Three Petitions of P. Blanchet, of the Parish of St. Mathias, County of Rouville; the Petition of P. Blanchet and P. Hervieux; the Petition of Xavier Meloche and others; and two Petitions of P. Blanchet and others.

By the Honorable Mr. Attorney General Macdonald,--The Petition of Thomas A. Corbett and others, of the City of Kingston; and the Petition of the Board of Trustees of the University of Queen's College.

By Mr. Niles,--The Petition of William Whillous and D. Waters; the Petition of Lilac Division, No. 325; and the Petition of Dorchester Unity Division, No. 241, both of the Order of the Sons of Temperance; the Petition of Joshua Putnam and others, of the Township of Dorchester; and the Petition of William Withers and others, of the Township of Kincardine.

By Mr. Fournier,--The Petition of the Reverend D.H. Têtu and others, of the Parish of St. Roch des Aulnets, County of L'Islet; and the Petition of O.E. Casgrain and others, School Commissioners, and others, of the Parish of L'Islet, County of L'Islet.

By Mr. Patrick,--The Petition of Peter Cannan and others, of the Township of Matilda; and the Petition of William St. Jule and others, of the Township of Longueuil, County of Prescott.

By Mr. Solicitor General Ross,--The Petition of Henry Taylor, of the City of Quebec.

By the Honorable Mr. Merritt,--The Petition of the Municipality of the Township of Howard; the Petition of the Municipality of the Township of Chatham; and the Petition of the Municipality of the Township of Orford.

Pursuant to the Order of the day, the following Petitions were read:--

Of Glengarry Division, No. 21; of Peerless Division, No. 130; of Hydraulic Division, No. 90; and of Richmond Division, No. 142, all of the Order of the Sons of Temperance; of the Reverend James Neill and others, of the Township of Howard and other places; of Nicholas Lake and others, of the North Riding of the

County of Hastings; of William Smith and others, of the Village of Martintown; of Daniel Kennedy and others, of the North-west of Glengarry; of Henry Edwards and others, of Lobo, Canada West; of James Kelly and others, of Ste. Victoire; of John George Crebassa and others, of the Borough of William Henry; of William McClarty and others, of Pike River, County of Missisquoi; of Emma Brown and other Ladies of the Eastern Townships; of S.A. Hurd and others, of the Township of Eaton and vicinity, County of Sherbrooke; of Sewell Scofield and others, of Sutton; of the Literary and Temperance Association of the Village of Scotland,

(170)

County of Brant; and of Henry Bull and others, of the Village of Markham; praying for the passing of a Prohibitory Liquor Law.

Of M. Dorval and others, of the County of Montcalm; praying that the said County may be set apart for Judicial, Registration, and Municipal purposes, and that the County Seat thereof may be established in the Parish of St. Jacques.

Of Thomas F. Park and others, of the County of Essex; of the Municipality of the Township of Gosfield; of the Municipality of the Township of Harwich; of the Municipality of the Township of Dover; of the Municipality of the Township of West Tilbury; of the Municipality of the Township of East Tilbury; of the Municipality of the Township of Romney; of the Municipality of the Township of Mersea; of the Municipality of the Township of Colchester; of the Municipality of the Township of Raleigh; of the Municipality of the Township of Malden; of the Municipality of the Township of Amherstburg; of the Municipality of the Township of Sandwich; of the Municipality of the Township of Maidstone; of the Municipality of the Township of Rochester; and of the Municipality of the Township of Anderdon; praying that a Charter be granted for the construction of a Railroad from Amherstburg to St. Thomas, and thence to the Niagara River, to introduce into this Province the travel which would otherwise pass on the South Shore.

Of Thomas Merritt and others, of St. Catherines; praying for an Act of Incorporation under the name of the Welland Canal Fire and Marine Insurance Company.

Of W. Pierce Howland, of the Township of York, County of York, miller; praying that the Hamilton and Toronto Railway Company may not be empowered to erect a Bridge across the River Humber, without a Swing Bridge sufficient to allow the navigation of the said River, and full compensation to persons injured thereby.

Of P. Blanchet and others, of the City of Montreal; praying for the entire abolition of the Legislative Council, that the office of Governor may be made elective, and that the Government of the Province may be assimilated as much as possible to that of the United States.

Of Pierre Blanchet, of the Parish of St. Mathias, County of Rouville; praying that Jurors attending the Courts of Law in Lower Canada may be compensated for their services.

Of the Reverend L.T. Fortier and others, School Commissioners of the Parish of Nicolet; praying aid for the establishment of an Academy for Boys and another for Girls in the said Parish.

Of the Reverend L.T. Fortier and others, Trustees for the erection of a Schoolhouse in the Parish of Nicolet; praying aid for the establishment of a Female Academy in the said Parish.

Of T. Trigge and others, on behalf of the Inhabitants of Nicolet and other places; praying for aid to remove the obstructions to the navigation of the River Nicolet, caused by the accumulation of sand at the entrance of the said River.

Of Richard Coleman and others, of the Village of Lyn, Canada West; praying for an Act of Incorporation under the name of the Lyn Manufacturing Company.

Of the Reverend François P. Porlier and others, of the Parish of Pointe aux Trembles, District of Montreal; praying aid for the establishment of an Academy

in the said Parish.

Of John Young and others; praying for an Act of Incorporation for the construction of a Railway between the City of Hamilton and the Town of Amherstburg, or some other suitable point on the Detroit River.

Of the City of Toronto Water Company; praying for amendments to their Act of Incorporation.

(171)

Of the City of Toronto Water Company; praying that the Corporation of the said City may not be authorized to construct Water Works, and levy an annual rate therefor on the Inhabitants, but that they may assume at a reasonable rate the Works of the said Company.

Of the Megantic Junction Railway and Navigation Company; praying for certain amendments to their Act of Incorporation.

Of James Wallace and others, of the United Counties of Peterborough and Victoria; praying an Act of Incorporation for the construction of a Tram Railroad from the Town of Peterborough to some point on Mud Lake.

Of Joseph Penmoyer, of the Town of Sherbrooke, Land Surveyor; praying payment of a certain amount due him for his services as District Surveyor for the late District of Sherbrooke.

Of Mrs. Josephte Grenier and Mrs. Luce Bergeron, Teachers, of the Parish of St. Michel, County of Yamaska; praying payment of a certain amount due them as School Teachers in the said Village.

Of Leon Rousseau and others, of the Seignior of Yamaska; praying for certain amendments to the Act authorizing the inhabitants of the said Seignior to regulate the Common thereof.

Of Jean Langevin, of the City of Quebec; praying payment of the amount due him as Clerk of the Council of the former Municipal District of Quebec.

Of the President and Directors of the Montreal Horticultural Society; praying for aid.

Of Mrs. M. Lunn and other Ladies, Directresses of the University Lying-in Hospital of Montreal; praying for an Act of Incorporation.

Of the Montreal and New York Railroad Company; praying that the proposed Bill for removing all doubts as to the interpretation of the Act relative to the said Company, may not pass into law.

Of the Montreal and New York Railroad Company; praying that their Act of Incorporation may be so amended as to confirm the amalgamation of the said Road with that of the Champlain and St. Lawrence Railroad Company.

Of the Montreal Board of Trade; praying for the passing of an Act to incorporate the Canada Ocean Steam Navigation Company.

Of the Montreal Board of Trade; praying for the passing of an Act authorizing the Banking Institutions of the Province to increase their Capital Stock.

Of John Johnston and others, of the Township of Rawdon; of James Haggertie and others, of the Township of Huntingdon; of Marcus Dimond and others, of the Township of Elygiver; of George V. Bull and others, of the Township of Rawdon; of George Howell and others, of the Township of Hungerford; praying aid for the construction of Roads and Bridges.

Of Levi R. Dean and others, of Hereford, County of Compton; praying aid for the opening of a Road from Compton and Eaton to Hereford.

Of the Reverend P. Bedard and others, of the Counties of Napierville and Laprairie; praying that the Petition of the Montreal and New York Railroad Company for an Act to confirm the amalgamation of the said Road with that of the Champlain and St. Lawrence Railroad Company, may not be granted.

Of the Municipality of the Township of Dunwich; praying for the passing of an Act to incorporate the Southern Union Railway Company.

Of Elijah C. Bens and others, Stockholders in the Port Bruce Harbour Company; praying that their Act of Incorporation may be so amended as to allow a vote for each Shareholder in the said Company.

Of the Reverend Messire Charland, on behalf of the Nuns of the sacred Names of Jesus and Mary, of Beauharnois; praying for aid in behalf of the Ladies Academy of Beauharnois.

(172)

Of the Reverend D. Martineau and others, of St. Joseph and other places situated on the Kennebec Road; praying for aid to open a Road along the front and second ranges of the North-east side of the River Chaudière.

Of J.O.C. Arcand and others, of the Parishes of St. Joseph and St. Frederic de la Beauce, County of Beauce, and of the Township of Broughton, County of Megantic; praying for aid to open a Road from the front of the said Township to the St. Louis Road.

Of Claurent Chabot and others, of the Parish of Notre Dame de la Victoire; praying for the abolition of County Municipalities in Lower Canada, and the re-establishment of Parish Municipalities.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the St. Francis College, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Mr. Darche moved, seconded by Mr. Bureau, and the Question being put, That the Petition of P. Blanchet and others, of the City of Montreal; praying for the entire abolition of the Legislative Council, that the office of Governor may be made elective and that the Government of the Province may be assimilated as much as possible to that of the United States, be printed for the use of the Members of this House; the House divided:--And it passed in the Negative.

Ordered, That the Petition of the Reverend P. Bedard and others, of the Counties of Napierville and Laprairie, be printed for the use of the Members of this House.

Ordered, That Mr. Langton have leave to bring in a Bill to amend the Act 8 Vic. cap. 49, and to extend the provisions of the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MACKENZIE moved to instruct the Standing Committee on public accounts to enquire into and report upon the expediency of keeping the public accounts in decimal currency. The law authorized the adoption of this system, which was by far the most simple, and a Committee of the House of Commons had reported in its favor. Under those circumstances, he thought the Committee on Public Accounts, which was to judge of the best mode of keeping the public accounts, ought to be instructed to do what he proposed.¹

MR. INSP. GEN. CAYLEY had no objection to the course proposed; he would be glad to receive any suggestions that the Committee had to make, but with the understanding that, in the meantime, the Government stood uncommitted.²

(172)

Ordered, That it be an Instruction to the Standing Committee on Public Accounts, to inquire into and report upon the expediency of keeping the Provincial Accounts in Decimal Currency.

On motion of Mr. Jean Baptiste Eric Dorion, seconded by Mr. Prévost, Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of Correspondence which may have taken place between the Imperial and Colonial Governments with respect to the withdrawal of the Troops.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That a Select Committee of seven Members, composed of Mr. Pouliot, Mr. Solicitor General Ross, Mr. Felton, Mr. Lemieux, Mr. Prévost, Mr. Alleyn, and Mr. Turcotte, be appointed to inquire concerning the operation of the Registry Ordinances or Laws requiring the registration of Mortgages, and the necessity of consolidating and amending the same, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. SOL. GEN. H. SMITH rose and said: Mr. Speaker, I beg to make the following motion: That a special committee, consisting of seven members, be appointed for the purpose of investigating all charges preferred or alleged in this House, or elsewhere, respecting the dealing of any member or members of the late Administration, in the purchase of public lands, in the traffic or purchase of Provincial, Municipal, or other public securities or stocks, or of stocks to railways, in the construction of public works, either foreign or provincial, and respecting any other charges of official misconduct whatever against them or any of them, and that the committee do consist of the following gentlemen: Messrs. Merritt, Robinson, Dorion of Montreal, Lemieux, Crawford, Smith (Northumberland,) and the mover. The Solicitor General then proceeded to say: I regret very much that I had not the pleasure of being present in my place during the last session. I was on my way here at the time that the dissolution occurred, but I believe it is well known that an hon. gentleman who holds a high and distinguished position in the Government, did give notice that he would take up this subject with a view to investigation. Circumstances have altered since then, and as the position which the hon. gentleman occupies precludes him from doing so, I deem it essential that there should be a fair investigation into all these charges. I should be sorry to prejudge the hon. gentleman, or to say, that any member of the Administration has been guilty of any such charges as has been laid to them--and we have the public prints of the Provinces as evidence, that grave accusations have been laid against certain members of the late Administration--it is not only due to them that there should be an investigation, but for the public interest. I can conceive nothing more essential than that the public mind should be set at rest upon this subject, and with that view, I have selected the names of such gentlemen as I am sure ought to meet with the approval of this House. It would be wrong to place upon this committee any names of partial men. I have heard the hon. member for Renfrew declare while I have been here, that he courted investigation, and knew very well that an investigation had been already commenced, and is now going on in another branch of the Legislature. I think this House has nothing to do with that, and I think it is due to the House that it should enquire into the conduct of the other members, and if any hon. members have been guilty of any acts of misconduct, it is necessary that that investigation should take place, in order that they may be impeached if guilty. I think that upon this occasion I should not detain the House by going into the numerous charges, which have been set forth in public prints, and it would be wrong in me as a member of the committee to do so. Suffice it to say, that they have been of that general character, and such grave and serious charges have been made, that I think it is proper an opportunity should be given to those who bring the charges forward to substantiate them, and it is with that view and no other, that I have

selected this committee. I think that if hon. gentlemen will look at the names, they will agree in them. With these observations, I shall leave the motion, seconded by Mr. Felton, in the hands of the Speaker, and hope that it will receive the sanction of the House.³

MR. MERRITT.--The hon. gentleman will please erase my name from the committee. I have no idea of entering any committee for the investigation of charges against individuals. I should wish to serve some other object. I have no personal ill feeling towards the late or present administration, and have never said anything against them, but I will join with great pleasure in any committee upon any investigation of another character.⁴ He would prefer to investigate the system of government. He warred against the system. He had no desire to waste his time on that Committee, and begged that his name might be taken off.⁵ Put somebody else in.⁶

MR. SOL. GEN. H. SMITH.--The reason given by the honorable gentleman convinces me that he should be upon the committee. (Hear, hear.)⁷

MR. MURNEY.--I regret as much as the honorable mover, that he was not present here before the time of the last dissolution. But at this moment a motion is made not by the head of the government, but by one closely united and in all matters connected with them, and an attempt is made to whitewash his brethren.⁸ Si le Solliciteur-général paraissait comme poursuivant contre l'ex-ministère, il doit formuler les accusations qu'il propose de porter devant le comité. Quelles sont ces accusations? Le Solliciteur-général, s'il avait été dans la Chambre pendant la dernière session, les aurait entendu proférer dans un langage des plus extraordinaires, par un membre du ministère actuel.⁹ [He] urged that the committee had no definite object that specific charges were proposed to be inquired into; that no mode of getting evidence, persons or papers was either authorized or struck out; and that no man could tell, if he even wished to give evidence against Mr. Hincks or any of the rest of his late Ministry, whether the peculiar facts he knew were applicable to any thing before the Committee, or that the Committee had power or inclination to inquire into them; that in fact, it was a sort of general or indefinite Committee, which appeared to reach every thing, while in reality it reached nothing.¹⁰ La proposition pour un comité, qui vient aujourd'hui d'un monsieur étroitement lié à l'administration, lui semble être un essai de blanchir à chaud (whitewash). Il aurait été bien mieux que la proposition vint d'un membre de l'opposition, au lieu d'être proposée par le ministère, et le comité nommé exclusivement parmi ceux qui ont déclaré leur intention d'appuyer l'administration actuelle, qui jouit de l'appui de l'ex-inspecteur général. D'ailleurs on doit connaître ce que le comité aura à faire et ce que l'honorable Solliciteur-général prétend envoyer devant lui pour sa décision. Cet hon. monsieur veut-il lui-même proférer les accusations devant lui, ou propose-t-il d'y porter les accusations que fesaient contre M. Hincks, il y a deux mois, les membres du ministère actuel?¹¹ Who is going to prepare these charges? Do honorable members think that I would volunteer to be upon this committee so as to charge the administration with acts committed prior to the late dissolution, or will you get any members of this House to do it? No--then probably the honorable member for Frontenac will do so, and will give to us the enumeration of those charges, so that we may understand at this moment in whose favor we are about to vote, and which one of these members, if any, have expressed their opinion either for or against the administration upon some alleged charge or another.¹² Il désire connaître tout cela afin d'être à même de savoir dans quel intérêt la proposition devant la Chambre est faite.¹³

(173)

Mr. Solicitor General Smith moved, seconded by Mr. Felton, and the Question

being proposed, That a Committee of seven Members be appointed for the purpose of investigating all charges preferred or alleged in this House, or elsewhere, respecting the dealing of any Member or Members of the late Administration in the purchase of Public Lands, in the traffic or purchase of Provincial, Municipal, or other Public Securities or Stocks, or of Stocks in Railways, in the construction of Public Works either Foreign or Provincial, and respecting any other charges of official misconduct whatever against them or any of them; the said Committee to consist of the Honorable Mr. Merritt, the Honorable Mr. Robinson, Mr. Antoine Aimé Dorion, Mr. Lemieux, Mr. Crawford, Mr. Sidney Smith, and the mover, to report thereon with all convenient speed; with power to send for persons, papers, and records;

MR. MACKENZIE.--Stop a bit, I have a few words to say before this motion is carried. This is a very extraordinary matter; I have seen whitewashers employed both for one dollar and three dollars per day, but the honorable Solicitor General by whitewashing, wishes so to sport his brush as to whitewash the object of the formation of this committee most effectually, and therefore the members whom (*sic*) he has placed upon it are likely to assist him. Now, who is this Solicitor General West? Is his position a good one? Look back at the documents placed upon our table with regard to the honorable member for Three Rivers. And what opinion had the late Inspector General in regard to Lord Elgin? The honorable member for Renfrew stated that he had so little idea of Lord Elgin's opinion in regard to politics, that he set forth in his newspaper that he considered his conduct to be just as despotic before he went into office as the Emperor of Russia was. This appears in the Pilot of the time.¹⁴

MR. HINCKS denied it.¹⁵

MR. MACKENZIE.--And then the honorable member for Kingston, who used to speak in most powerful language against the late Inspector General, is now flourishing his whitewash brush to whitewash the gentleman against whom he was so vehemently opposed.¹⁶ Cette harangue frappait si fortement que l'hon. Inspecteur-général était obligé de recourir au temps du family compact pour se justifier par l'exemple des messieurs qui étaient alors au gouvernement.¹⁷ This is a pretty picture. I do not think that I ever heard of the commissioner for Crown Lands doing anything wrong, but I wonder at him remaining in the Company that he did.¹⁸

MR. COM. CR. LANDS MORIN, because I saw nothing bad in it (laughter).¹⁹

MR. MACKENZIE.--The honorable gentlemen (*sic*) then should, like I always do, wear a pair of spectacles and then he could see better.²⁰

MR. JOBIN.--He wears them in his pocket but does not use them.²¹

[MR. MACKENZIE] objected to Mr. Robinson being on the committee, on the ground that he is a servant of the Canada Company, and was sent by a late Government to make an arrangement with the Indians, for which service he received £500.²² [Il] est autrement lié au gouvernement; mais lui aussi doit aider au blanchissage. Quelle est même la position du Solliciteur-général? On peut le voir en regardant ce qui a eu lieu quand l'hon. membre pour St. Maurice (M. Turcotte) avait cette charge. Quoique ce monsieur fut Solliciteur-général, on ne lui a pas voulu payer son salaire jusqu'à ce qu'il fut élu, et mis à même de faire ce qui lui était ordonné par ses maîtres dans la Chambre. Dès qu'il put donner son vote il reçut £600 par année. De même on connaît l'hon. membre pour Lévi (M. Lemieux) pour un des instruments le[s] plus serviles du pouvoir.²³ There is another gentleman who does the whitewashing business, I mean the honorable member for Northumberland²⁴ (Smith) qui a construit le ministère actuel un beau dimanche quand il aurait dû être à l'église. Un tel comité n'est bon à rien.

Et puis quels doivent être les sujets de son enquête?²⁵ How are we to enquire whether the honorable member for Renfrew, knowing that the government was going to purchase the St. Lawrence and Atlantic Railroad when its stock was next to nothing bought stock therein at a trifle and then found way to raise the value of that stock? And look at the Point Levy job, what shall we do with that?²⁶ Est-il nécessaire de tout cela pour le condamner? Non; et si cela était nécessaire le comité serait des plus impropres pour le faire. Où serait l'hon. membre pour Hamilton sans le généreux support que lui a promis l'ex-inspecteur-général? Cet hon. monsieur doit donc absolument à M. Hincks un généreux support en retour.²⁷ Now the truth is that the ministry are picking out a few of their supporters to do this whitewashing business, and it was all arranged beforehand that the leading reformers when they got into power should form a coalition and dictate this whitewashing process for the honorable member for Renfrew.²⁸ Il fut un temps qu'ils se haïssaient cordialement; mais un beau jour l'ex-inspecteur dit à l'hon. chevalier qu'il serait bien mieux d'être d'accord que de laisser le pouvoir aux mains réformistes, et dès lors ils se donnent mutuellement un generous support.²⁹ I am nearly the only [one] on this side who rises to say word upon these matters, and the honorable member for Lincoln is the only one who finds fault with such a mockery. Did not the honorable member for Renfrew tel[1] me when he was in office that if any charge were made in the proper way regarding any member of the Government that the charge should be made? Yes. I put it upon the Orders of the Day, and Mr. Sherwood hurried me to bring the motion on and said that it was a burning shame; but when I did so, what was the result? Why they urged upon the honorable member who fills the seat of Mr. Baldwin to withdraw his name as the seconder of the motion, and the other honorable member withdrew also. Was not Mr. Ridout here, who could prove all the facts, so that we could have an investigation now? But they wanted none then, Mr. Speaker, and want none now. (Hear, hear.) Yes, they only want to sham, so as to let a report go home to England of what they have been doing in a righteous way, in order to get a little more money out of the people, and keep up this "no responsibility" farce, and this is the solution of the³⁰ ministry³¹, for the honorable member for Renfrew is that portion of the machinery from which they coined money. Ah! I dislike this kind of petty work. And the gentlemen appear to be the most wonderfully associated together. Look at the Penitentiary enquiry, involving a matter of some £700, or £800 ... which was given to Mr. Solicitor General Smith or his family³². When the member for Kent and Mr. Fergusson investigated the affairs of the Penitentiary, and the result of that investigation led to the dismissal from the wardenship, of Mr. Smith, the father of the mover of this motion, there was £800 which one of them, either the father or the son, he could not say which, was owing to the Province, but which was forgiven him. This sum was now to be balanced, by the action of the Solicitor General.³³ The honorable and gallant knight was in the railroad business, it being difficult, I confess at one time to have declared on which side of the House he was. And the honorable member for Northumberland, he too is giving his generous support, but how long he might be disposed to extend his generosity by supporting this administration, I do not know; and if there is a concern by which money can be made, if the honorable member for Brockville does not take his share.³⁴

MR. CRAWFORD.--Name one.³⁵

MR. MACKENZIE (hesitatingly).--Yes.³⁶

MR. CRAWFORD.--I dare you to name one.³⁷

MR. MACKENZIE.--Who is it that expends the fourteen or fifteen million of dollars for the Grand Trunk, and defies the law by not placing upon the table of the House any account of their expenditure? We only know that they have

spent already, or taken out of the public treasury and put into the hands of this nameless concern, I forget how much--the Honorable member for Renfrew though knows it.³⁸

MR. HINCKS.--I call for an explanation for this charge. (Much excited.) I would like to know what you (addressing Mr. M.) told my constituents who sent me here. (Hear, hear.)³⁹

MR. MACKENZIE.--I said that they would make a very bad bargain if they chose the Hon. member for Renfrew. (Great laughter;) and I said that I did not care, as far as I was concerned, whether they chose Mr. Miller or the other gentleman. They said that that was Tory language. I said I did not care whether it was or not. Well, they all understand the meaning of the Honorable member for R. retiring from a place where there are 20,000 people to one only containing 9,000. Yes, I mean they heard of the Grand Trunk, and the Solicitor General West is a Grand Trunk solicitor, so that it is quite a family affair. I hope I shall live another week, to see the effect of this Committee. Have I not the power, Mr. Speaker, before I sit down, to ask that this Committee be chosen in the usual way? I will sit down if I can have any reason why it should not be. (Hear, hear.) I came here to express my opinions frankly, and will do it in a matter of this kind, which is to bring forward a report. I recollect the report made by the Honorable and gallant knight, in 1836, which went home to England, and was published in the Times--a more shameless perversion, or one-sided thing was never published in this House.⁴⁰

MR. PRES. EX. COUN. MACNAB.--Mr. Speaker, I rise to a point of order. Is it right that the member should speak of such a report.⁴¹

MR. MACKENZIE.--(Ironically.) Certainly not.⁴²

MR. PRES. EX. COUN. MACNAB--I ask you, Mr. Speaker, in the presence of this House, whether a member is to be allowed thus to speak for hours and hours upon the subject⁴³ beside the question before the house?... He wished to know whether it was to be permitted that a member might speak disrespectfully of the former proceedings of this House, without taking some steps to expunge them from the journals.⁴⁴ All that I require, with regard to the proceedings of the Administration is, that ... we should be judged honestly, and with that degree of candour that we are entitled to. I appeal to the House and the country, whether it is not a fact that the hon. gentleman opposite has opposed every Administration since I ever knew him to be in Parliament. Now, I never spoke to a single gentleman on this Committee, and it is right that a thorough investigation into these charges should take place; but it is not for any individual member of this House to bring forward these charges. The Committee is the tribunal established by this House, and any person has a right to go before it and substantiate these charges. It is the duty of this house to investigate them thoroughly, but not to place upon this Committee men who have already condemned these gentlemen in public prints, and have already accused them of those kind of charges. I think that my hon. friend for Lincoln, from the very statements which he made in this House, is a fit and proper member to be placed on that Committee, and to judge whether those statements are or are not false. It is very improper, I say, for any hon. gentleman to stand up here and make those kind of charges against that Committee, and the hon. gentleman who is to be the subject of accusation--it is unbecoming. The majority of this House, if it does not like that Committee, has the power of changing it and putting such members upon it as it requires. How can the hon. member for Lincoln be objected to? He is a gentleman who has had a seat in this House perhaps as long as any member in it, and is respected by both sides of it, and in my mind is incapable of doing wrong to any man.⁴⁵ Would

it be right to place the member for Haldimand on the Committee?⁴⁶

MR. MACKENZIE.--No: it would be most improper.⁴⁷ I say that I oppose the idea of the hon. member for Lincoln being placed upon the Committee, because in a part of the transactions (sic) which are to be enquired into, he was a colleague at the time.⁴⁸

MR. PRES. EX. COUN. MACNAB.--I appeal to the House whether such a statement was made by the hon. gentleman before?--he has just brought it to his relief, and knew that the House would feel, I was right in what I said.⁴⁹ It was ... improper for the member for Haldimand to pronounce on a subject on which, as a member of the House, he was soon to be judge. The hon. gentleman (Mr. Mackenzie) had been opposed to all governments for the last 20 years.... What objection was there to the proposed Committee. Look at its members, there was Mr. Merritt; a gentleman respected by both sides of the House and incapable of doing wrong. Then there was Mr. Dorion of Montreal. What was the objection to him?⁵⁰ Mr. Dorion of Montreal is an independent gentleman, of whom I have heard every gentleman in the House speak in the highest terms⁵¹. He certainly was not friendly either to the late or the present government.⁵² When his name was submitted to me, I said "put it on"--could Mr. Mackenzie have any objection to him? Now then as to Mr. Robinson who can rise and object to him who has acted with him for the last 25 years, and who believes that he would do anything improper. (hear! hear!) It is said however that the great reason why Mr. Robinson should not be upon the Committee is, that he has come across the House to support the present administration.--You have had five elections--four of the members of this administration have been returned by acclamation, by men who understand their rights, and the Post Master Gen. has been returned and by a majority of two to one, notwithstanding all that the hon. gentleman could do, and all the combination which has taken place upon that side of the House, and the union which has taken place between the hon. member for Lambton, the hon. member for Norfolk and the hon. gentleman opposite. Does not all this speak volumes? Who are to be judges? Is not the hon. gentleman opposite who publishes a newspaper in this country abusing everybody but himself? (hear, hear.)⁵³ The member for Haldimand, who now opposes all governments, had been the most subservient tool of Lord Dalhousie till spurned by that nobleman.⁵⁴ He shows the greatest subserviency and subjection and endeavors to be the greatest toady of any man in the country (hear! hear! and laughter.) Here [he] is abusing the Governor General and every one else. He went to oppose the hon. member for Oxford, but his candidate having got but twenty-five votes completely ruined the hon. gentleman's chance, (laughter) and this is the man who is to try the character of one of the leading men in this province. But I am satisfied that the hon. member for Haldimand will not be asked to attend this Committee. The Legislative Council Committee will take down all the evidence--they are men of character, the eye of this House is upon them--the evidence will all be reported to this House, and then I feel satisfied that hon. members occupying positions as judges in this House will not be moved by such a speech as we have heard from the hon. member for H., but will come to a decision which will add credit to them and do justice to those hon. gentlemen, whose characters are impeached.⁵⁵

MR. HINCKS.--Mr. Speaker, I cannot at all be surprised that the most malignant of my assailants should have been the honorable member for Haldimand, as illustrated by the speech we have heard in which he has set down this Committee as a white-washing one. The honorable and gallant knight has however anticipated some of my remarks upon the subject and has stated that which every honorable member of this House must be aware of, namely, that all the evidence taken

before this Committee must come before the House for its judgment; must be printed and go before the public for its decision, and the report of the Committee, if it is not founded upon the evidence introduced, will pass for very little, but bring disgrace upon that Committee. The honorable gentleman said, that he did not want himself to be on that Committee.⁵⁶

MR. MACKENZIE.--Certainly not.⁵⁷

MR. HINCKS.--And yet altho[u]gh he stated that, what was one of the allegations that he made in his speech? Why, he said, that this enquiry was objected to in a former Session of Parliament, when he was moving for a Committee with reference to one of these very charges; that he desired himself to be the chairman of that Committee although he had previously pronounced a very strong opinion upon the subject. (hear hear.)⁵⁸

MR. MACKENZIE.--I had not formed any opinion upon the subject, but I have now, and so has the country.⁵⁹

MR. HINCKS.--Well, with regard to every charge which he has brought against me, he came before the public tribunals in my own county and spoke for two or three hours for every word that I spoke, and destroyed the very candidate whom he went to support (laughter--hear hear.) I, Sir, can refer to my own election for that county, and also for another county where I never went before--public opinion has not condemned me, but that honorable member pretends to say that the investigation was refused and brings an attack against the honorable member for North York.--does not any honorable member know the reasons why that investigation was not gone on with--was not the question before a legal tribunal at the time. He talks of Mr. Ridout here and that his evidence could be got.--Well, was he not examined upon oath in the Court of Chancery and is not the whole case before the public? The honorable gentleman will probably have the report in a few days. I am not afraid to defend my conduct in regard to the transactions, at all suitable times. Great reference has been made to one or two speeches of the hon. member for Kingston. I have never allowed them to have any great effect upon my mind for these reasons--that I am perfectly certain that with regard to nearly every fact connected with this transaction, the hon. member for Kingston knows nothing at all about the matter, and it is impossible that he can except from the reports in public newspapers, and I am ready to say, that as to every one of these transactions, the grossest slanders have been circulated by the hon. member for Haldimand, and by his friends.⁶⁰ Never were such gross slanders circulated against any public man before. He (Mr. H.) was fully prepared to vindicate his character in regard to all those transactions.⁶¹ It is evident from the speech of the hon. member for H. what his object is. It is not to get a fair Committee, but one bound under any circumstances to condemn me. I want to have that hon. gentleman brought up before these Committees and brought to book; I want him to state upon what authority he has made the statements he did in the County of Oxford before the public;⁶² and which he dared him to repeat in this House. He there made statements which showed the grossest ignorance of the affairs of the Grand Trunk, which he never lost an opportunity of assailing.⁶³ [I] want him to substantiate them by proof.⁶⁴

MR. MACKENZIE.--Oh! yes.⁶⁵

MR. HINCKS.--And then it will be for this House to judge of them and consider upon the report of the Committee whether it will support it or not. It is not for me to make any defence, nor shall I refer to any hon. members by name, except to one, against whom an imputation has been brought, and that I have been a participator with him in jobs, the hon. member, I mean, for the town of

Brockville, and I am not aware that he has had any transactions with the Government since I have been in it. I know that in former times he was contractor for public works, and doubt whether he has been so since I have been with the government; but the hon. gentleman happens to have been elected by the stockholders of the Grand Trunk Railroad, and the honourable member for Haldimand⁶⁶ first attacked the Grand Trunk Railway Company--English capitalists who had invested their money in the enterprise--as robbers; and when he found that the stock fell to nearly half its original value he exulted--yes he actually exulted in his newspaper, in the hope that they would lose money.⁶⁷ The stock ... at this moment is worth one-half of what has been paid for it, and they are engaged in carrying on the works in a manner which every person admits to be of a most creditable description; and an attempt is got up to prejudice the public mind against that Committee--and such rabid attacks have been made in newspapers, that really a prejudice has been created in the public mind against this Company, as if there was nothing but jobbing connected with it, and one hon. gentleman who is not now in his place went so far that at one time, owing to the rise in the price of iron, labor, and other things, which were of course prejudicial to contracts for railroads, he, after assailing the work as a gross job, actually began to exult in his newspaper that the parties were likely to lose by it. (The hon. gentleman then proceeded in the same strain to rebut charges made by Mr. Mackenzie in relation to the Grand Trunk Railroad.)⁶⁸ He would have preferred to say nothing on the subject, had he not seen an attempt to get an unfair committee made by the hon. member for Haldimand; to get a committee not that would investigate the matter fairly, but that would condemn him (Mr. H.) right or wrong.⁶⁹

MR. J.S. MACDONALD (Glengarry) agreed with the honourable member who had just sat down that it would not be advisable for him to mix himself up in this matter--modesty should have induced him to leave the matter to the honourable and gallant Knight, and he did not think that the country would give Mr. Hincks much credit for standing up as he had.⁷⁰ Il croit qu'il aurait été mieux si l'ex-Inspecteur-général n'avait pas parlé. Les accusations portées contre ce membre ne venaient pas seulement de l'opposition actuelle; elles ont été formulées par des messieurs qui appartiennent à la coalition.⁷¹ He (Mr. M.) would merely mention that the opposition had rested the matter entirely with the present coalition, the honourable and gallant Knight having risen and expressed his opinion very strongly with reference to the charges against their administration, and they of the opposition were perfectly willing since the coalition had taken place, having confidence in the honourable and gallant Knight, that they should take some steps to vindicate the charges, which in common with others, had been given currency to, against members of the late administration. Now they had the Solicitor General for Upper Canada moving in this matter. Whether this committee would give satisfaction to the people of Upper Canada it was not for him to say, but they found five strong supporters of the coalition on the committee and two of the opposition.⁷² He did not intend to suggest anything; but if the government desired to show fair play, they would propose an equal number of members of the Opposition and supporters of the Government. As it stood, there was an appearance of an intention to whitewash.⁷³ With reference to the connexion of the honourable member, who formed this committee with the government, he (Mr. M.) would wash his hands of the matter, and would not suggest any names.⁷⁴

MR. CARTIER (sarcastically) wanted to know what was the state of the honourable members hands (laughter).⁷⁵

MR. J.S. MACDONALD did not know what Mr. C. meant. He (Mr. M.) however, had nothing to do with the matter, and he thought that the honourable member for Renfrew had taken a wide latitude in his course--it was time he had said that he

courted enquiry, but the power had influence which the executive holds, there was no resisting. (Hear, hear.) The honourable member then alluded to what he termed, "the red pine job" and observed, that the present administration existed by the truth of the honourable member whose conduct was to be investigated.--He then said that the honourable member for Renfrew, forgot that the five gentlemen who had just been returned by their constituencies were all opposed to the late administration.⁷⁶

MR. AT. GEN. J.A. MACDONALD (Kingston,) said that the honourable member had forgotten that he was opposed strongly by a supporter of the late administration, and every one of these five gentlemen who were re-elected by reason of their accepting office in this administration, were opposed by those who were in favor of the late administration, and they had received the approbation of their constituents in taking office on this occasion, which was a great compliment. In what respect then was this a committee chosen with a wish to clear the honourable member for Renfrew of the charges brought against him--was not the whole body chosen as fairly as could be for the purpose of arriving at the end for which it should be appointed, which was, not to strike a man when down, but to give him a fair trial and giving (*sic*) every opportunity for the introduction of testimony. Where then, he would ask, was the white-washing?⁷⁷ The member for Glengarry had followed his leader, the member for Haldimand, in a feeble and inferior manner, in calling this a whitewashing committee. The hon. member for Haldimand objects to the proposed mode of selecting the committee, and says that the matter ought to be left to the House. That, perhaps, would be an obvious way of doing the business;⁷⁸ that would relieve the hon. and gallant Knight from all responsibility in the matter.⁷⁹ It was not to be forgotten that when the Leader newspaper proposed to leave the matter to the House, the Globe and other journals in opposition objected on the ground, that such a procedure would be no investigation at all, as the majority would be ready to acquit the party charged.⁸⁰ All the opposition papers said that they all knew what a committee chosen by the House means--the consequence would be that if left to them it would prove to be a whitewashing committee. (Hear, hear.) Those papers cried out that the House would put in a subservient committee, the slaves of Mr. Hincks and (*sic*) to do as he bid them. In order therefore to prevent the possibility of that charge being made the Hon. member who sat near him (Mr. M.) had taken the responsibility of selecting that committee, and he would go over the names to see if any one of these gentlemen could be obnoxious to the charge of being an unfair judge.⁸¹

MR. SICOTTE the SPEAKER then read over the names.⁸²

[MR. AT. GEN. J.A. MACDONALD continued:] Some of the Conservatives on the committee had been steady enemies of Mr. Hincks since the time of the Union. The committee should neither be a whitewashing one nor one imbued with animosity to Mr. H. Would not a committee composed of the Hon. members for Haldimand, Glengary, and Lambton be looked upon with suspicion? He thought that the House should adopt the course proposed by his Hon. friend--he thought that investigation into all the charges made against Mr. Hincks and members of the late administration should be had, and without which he did not wish to prejudge them. In regard to the Point Levi case, he had before observed that it was not for him to say whether the charges made were true or false, but the colleague of the Hon. Malcolm Cameron had previously made a speech in which he said that it was "a job" and the House would doubtlessly recollect that he (the Speaker) put it in that way that the Hon. member for Renfrew, then the Inspector General, stood in this dilemma, that either what Mr. Cameron said was true or false, and if the latter, ought to have expelled him from the administration. He (the Speaker) had dwelt upon the other charges, but after he had spoken in the manner he did he had felt greatly embarrassed and regretted for the time that he had spoken so strongly

(Hear, hear,) and then the Hon. Inspector General rose in his place and stated that he courted investigation and would leave it to the Gallant Knight to appoint a committee (Hear, hear.)⁸³ That statement he (Mr. H.) had repeated at the beginning of this session.⁸⁴ The Hon. gentleman continued to explain his conduct in the matter.⁸⁵

MR. A. DORION (Montréal) ne considère pas la proposition devant la Chambre comme celle qui doit être faite. Elle a le défaut de diriger l'enquête sur les hommes et non pas sur leurs actes. La procédure proposée, pendant la dernière session par le membre pour Hamilton lui semble être bien plus convenable; c'est de s'enquérir de la vente de la propriété publique, des acheteurs, etc. Cette manière de procéder ne mettait pas les membres en collision, l'un contre l'autre, et elle relevait précisément ces questions que la Chambre doit contrôler. Il est notoire que les propriétés publiques ont été vendues aux membres du gouvernement. La Chambre, donc, doit s'enquérir de la manière de la vente, afin qu'une poursuite soit commencée s'il y a eu fraude. Mais avec un comité tel que constitué il ne voit aucun moyen de formuler les accusations. Le comité doit-il les rechercher dans les colonnes de certains journaux publiés dans la province, ou doit-il les trouver dans la harangue du Procureur-gén. dans la dernière session? Dans ce cas ses collègues d'aujourd'hui seraient devant le tribunal tout aussi bien que l'ex-Inspecteur-gén., car le Procureur-gén. disait alors que les ex-ministres étaient coupables "comme individus et comme corps" (individually and collectively) et que tous étaient "trempés jusqu'aux lèvres dans l'iniquité."⁸⁶

MR. AT. GEN. J.A. MACDONALD dit que cela est exact si les accusations portées contre le ministère sont vraies.⁸⁷

MR. A. DORION continue:--Ce qu'il veut savoir, c'est la manière dont les accusations doivent être formulées devant le comité--s'il y aura un poursuivant pour le public, ou si on se propose d'inviter des accusateurs de toutes parts; enfin si le comité doit aller lui-même à la recherche. Il prend l'occasion de dire qu'il n'a jamais accusé l'ex-gouvernement de corruption. Ce qu'il a dit dans son adresse à ses électeurs, c'est qu'il n'avait pas de confiance dans le ministère d'alors, entre autres raisons parce que l'Inspecteur-gén. avait exprimé l'opinion qu'un ministre avait droit de spéculer comme toute autre personne. Il lit un extrait de son adresse comme suit:

"Il ne faudrait rien de plus pour motiver mon manque de confiance en cette administration, mais je sens que je n'aurais pas exprimé mon opinion sur une des questions les plus graves, si je ne répudiais explicitement le principe récemment émis en Chambre par le chef du Cabinet que les ministres pouvaient spéculer sur les fonds publics et sur les propriétés du gouvernement comme tout autre particulier. Les tendances immorales de semblables doctrines ne pourraient que couvrir d'un discrédit qui rejaillirait sur le pays entier, des hommes qui, oubliant les devoirs de leur haute position, descendraient au rôle d'agioteurs, et placeraient au-dessus de l'intérêt public leur intérêt privé."

Cette doctrine a été pleinement confirmée depuis en Angleterre dans le cas de M. Lawley, dont la nomination à un gouvernement colonial a été cassée parce qu'avant qu'elle eût eu lieu il avait spéculé sur les fonds, étant alors dans une position officielle. L'opinion qu'il exprime dans son adresse a été aussi fortement approuvée par la voix du pays et le gouvernement en a été tellement convaincu, que depuis le commencement de la session actuelle quelques-uns d'entre eux y ont donné leur adhésion, quoique dans la dernière session il se fussent pendant que l'ex-Inspecteur déclarait une opinion contraire (sic). Il répète qu'il croit que la procédure proposée par Sir A. McNab dans la dernière session serait bien meilleure que celle proposée maintenant, car d'après la première il y aurait matière à une enquête, mais suivant l'autre, d'après tout ce qu'il peut voir, il peut n'y avoir rien de quoi s'enquérir.⁸⁸

MR. PRES. EX. COUN. MACNAB rose to explain that by another motion all the matters mentioned in the motion of which he previously gave notice could be referred to the committee.⁸⁹

MR. HINCKS dit que la motion est faite en termes généraux pour embrasser toutes les accusation particulières.⁹⁰

MR. A. DORION n'en est pas convaincu encore. Le comité peut bien rapporter qu'il n'y a pas d'accusation. Il désire que le rapport soit bien plus précis et cela dans l'intérêt même des accusés, parce qu'il pense lui-même que tout ce qu'on établira, sera non pas qu'ils ont commis des fraudes, mais simplement qu'ils ont agi contre des principes importants qu'il faut maintenir, afin de conserver la moralité publique.⁹¹

MR. COM. CR. LANDS MORIN thought the proposal of the hon. member for Montreal was not a proper one; because many of the charges were so vague and general that it was difficult to put them in a specific shape.⁹² Il est mieux de ne pas limiter l'enquête à certaines accusations, pour ne pas donner lieu à reprocher plus tard qu'il y en aurait eu d'omises. D'après le mode proposé,⁹³ it would be open to any editor who had made these charges--to any one who had any charges to make or evidence to offer, to go before the Committee and prefer those charges and offer that evidence. If no charges should be made, it would only prove that there were none to make, and that those which had been circulated were unfounded.⁹⁴

MR. CAUCHON appuie la proposition émise par le solliciteur-général, la représentant comme favorable aux accusateurs beaucoup (sic) plus qu'à l'accusé (M. Hincks.) Bien qu'il (M. Cauchon) n'ait jamais accusé directement, cependant l'opinion publique étant contre lui (M. Hincks), il est bon qu'il demande une enquête, qu'il fasse taire l'opinion publique qui le condamne. Il fallait espérer que l'on se garderait de préjuger dans une pareille affaire, et que les ressentiments personnels ne s'y mêleraient pas.⁹⁵ [He] thought that in asking for this motion, members must come forward and prefer specific charges which had always been the usage here and in England. The moral standard of public men should be high, and if public opinion be against him he should submit to an investigation in order to clear himself.⁹⁶ Chacun doit aimer à voir se maintenir l'intégrité des hommes publics, car, sans la confiance qui leur est indispensable pour la gestion des affaires, comment seraient-ils en état de les administrer? Il faut ... rendre justice à l'homme que l'on accuse.⁹⁷ [Il] aime le comité tel que proposé parce qu'il veut que l'affaire soit vidée une fois pour toutes, et cela ne peut être qu'en embrassant toutes les accusations dans la même instruction au comité.⁹⁸ He believed that the proper appointment of such a committee was a matter of chance, and the rule of electing to serve by vote, should be altered.⁹⁹ [He] objected to the mode of selecting the Committee, and suggested the addition to it of two Lower Canada members. Some of the alleged transactions had occurred in Lower Canada; and it was desirable that two members from that section of the Province should be added.¹⁰⁰ A présent il n'y en a que deux.¹⁰¹

MR. LANGTON called for an explanation from the Solicitor General West, as to whether the committee should sit as a Judge, simply to investigate charges leaving the responsibility upon the individuals who brought them forward, or was it intended that the committee should merely investigate them?¹⁰²

MR. SOL. GEN. H. SMITH--Both. His intention in moving this was, that this committee should use all due diligence in ferretting out if there be any truth in these allegations or not. They would invite all evidence to come before them, and would address the Government in order that the committee might have something to work upon. As far as he was generally concerned he desired a full investiga-

tion.¹⁰³ The charges to be enquired into, so far as at present known, were the Point Levi purchase, the £10,000 job, the Sault Ste. Marie Canal charge, and the Grand Trunk Railway stock affair. If any other charge came up afterwards, it could be referred to the same committee.¹⁰⁴

MR. MACKENZIE.--Had another motion to make.¹⁰⁵

MR. LORANGER hastily rose. Opposing this Committee was, in his opinion, a disgrace to the House.¹⁰⁶

MR. MACKENZIE would not give way nor Mr. Loranger.¹⁰⁷

The consequence was that much time was consumed in appealing to MR. SICOTTE the SPEAKER, who decided in favor of Mr. Mackenzie having the floor.¹⁰⁸

MR. MACKENZIE then moved that a select committee of seven members be named by the House forthwith under the 83d rule.¹⁰⁹

MR. FELTON.--Objected.¹¹⁰

A question arose as to the Parliamentary practice.¹¹¹

MR. MACKENZIE said he would propose the substitution of other members for the proposed committee, which would be a substantial motion and therefore in order. He then moved in amendment, That the following members be the committee, in place of the seven named in the original motion, viz.: Messieurs Cameron, De Witt, Dorion of Montreal, Ferrie, Hartman, Sanborn and Fergusson.¹¹²

(173)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Hartman, That the words "Mr. Merritt, the Honorable Mr. Robinson, Mr. Antoine Aimé Dorion, Mr. Lemieux, Mr. Crawford, Mr. Sidney Smith" be left out, and the words "Mr. Cameron, Mr. DeWitt, Mr. Antoine Aimé Dorion, Mr. Ferrie, Mr. Hartman, Mr. Sanborn, Mr. Fergusson" be inserted instead thereof;

Some confusion took place¹¹³.

The reading of these names was received with a burst of derision, and an exclamation--"and the mover."¹¹⁴

MR. MACKENZIE retained the floor, saying that honorable members might as well throw water on a duck's back as try to sneer him down. This caused great merriment.¹¹⁵ He did not want to form one of the committee. His mind, he admitted, was biassed in favor of the guilt of certain persons.¹¹⁶ Il demande s'il peut être nommé un comité plus indépendant que cela--il sera bien mieux que celui proposé par le Solliciteur-général. Quand lui (M. McKenzie) a demandé un comité, on l'a refusé parce qu'on a dit que la cour de chancellerie était saisie de l'affaire; aujourd'hui que la cour a donné sa décision, on n'en est pas satisfait, et on demande une autre enquête.¹¹⁷

MR. MURNEY est frappé de l'anxiété du ministère de pouvoir nommer le comité; et il demande quel en est le but.¹¹⁸ [He] thought the House should have the nomination of its own committee. Was the object exculpation or condemnation?¹¹⁹

UNE VOIX.--Ni l'une ni l'autre, mais pour faire une enquête juste et impartiale.¹²⁰

MR. AT. GEN. J.A. MACDONALD--Neither: the object was to obtain a fair trial.¹²¹

MR. MURNEY said there was a time, not long ago, when the Attorney General for Canada West made a speech for which he felt obliged to apologize to-night.¹²²

Dans la dernière session l'hon. membre pour Kingston a fait un discours plein de feu contre l'hon. membre pour Renfrew. Ce soir il en demande pardon. Alors

le sang du membre pour Renfrew bouillait à entendre l'hon. membre pour Kingston, maintenant il fait aussi l'apologie de celui-ci. Il faut donc qu'il y ait une entente entre ces deux messieurs. Dans le mois de juin, l'hon. membre pour Kingston, à ce qu'il paraît, a parlé à la hâte, il s'est permis d'aller un peu trop loin, et quelques moment[s] après il a regretté son injustice. Il n'a fait pourtant aucune accusation--rien que des remarques d'un caractère général. C'est aujourd'hui ce qu'il dit, mais il a désigné ce gouvernement comme des plus corrompus, et il a fait ce que le membre pour Frontenac n'a pas osé faire ce soir;--il a indiqué les divers jobs dont il s'agit. On suppose que tout membre est un homme d'honneur: ceux qui sont nommés par le membre pour Haldimand le sont aussi bien que ceux qui sont nommés par le Solliciteur-général; mais ce qui lui va mieux, c'est de laisser la Chambre le nommer elle-même.¹²³ Was it to be wondered at if he felt no confidence in the nomination of the mover (who was in fact a part of the Government) since the House had just been the late Inspector General who was before boiling with indignation, aye and revenge! rising to embrace the Hon. Attorney General whom he so lately accused of slandering him.¹²⁴

MR. AT. GEN. J.A. MACDONALD had said that what he had uttered was with the greatest deliberation.¹²⁵

MR. FERRES did not concur with all that had been said by the hon. member for one of the Ridings of Hastings (Mr. Murney); but he thought the House should select the committee. Of the two committees proposed he thought the one which came from the ministerial side of the House was a fairer one than that offered by the member for Haldimand.¹²⁶ No member of the House should offer to go into such investigations. Neither did he understand with the Honorable Commissioner of Crown Lands, that there ought to be an accuser. He was not aware that any crime had been committed, and therefore there could be no accuser.¹²⁷ He did not think it was for the Solicitor General to prefer the charges.¹²⁸ The apology that had been made by the honorable member for Kingston was very extraordinary, for it was a reiteration of the accusation which he had brought against the late Administration. (Hear, hear). The Solicitor General was not the proper person to bring these accusations before the Committee. The House should go by the 83d rule.¹²⁹

MR. MACKENZIE here said he would withdraw his amendment; but this was met by cries of "No no."¹³⁰

MR. LORANGER (in French) contended that Mr. Dorion, of Montreal, in his address brought charges of corruption against Mr. Hincks.¹³¹ [Il] regarde l'opposition au comité comme une disgrâce pour la Chambre et surtout quand elle est faite dans le but d'empêcher une enquête qui doit disculper l'ex-Inspector-gen. par ceux qui ont calomnié ce monsieur. Entre ceux-là se trouve le membre pour Montréal, quoiqu'il ait prétendu qu'il n'a porté aucune accusation contre l'ex-ministère. Il peut le prouver par cinquante témoins si cela était selon les règles parlementaires.¹³²

MR. A. DORION demande si l'hon. membre veut affirmer ce que lui (M. D.) vient de nier.¹³³ He had only spoken of a principle.¹³⁴

MR. LORANGER l'affirme. Quoique la (sic) membre pour Montréal ne se soit pas servi de mots qui portassent une accusation directe, il y a dans son adresse une implication absolue de corruption. Il lit encore l'extrait que M. Dorion vient de lire, et persiste à dire que la conséquence inévitable en est que le ministère s'est rendu coupable de spéculation. Il est bien aise d'entendre la confession que tout cela n'était que de la calomnie; mais il croit que les constituants de l'hon membre seront très surpris de voir que l'ex-Inspecteur-général a été acquitté par la voix de leur représentant.¹³⁵ They [the charges] were either true or false, and it was for the committee to investigate them, and it would have the

power to send for persons and papers. The course taken by the Solicitor General West was a proper one; and the committee was fair. Charges had long been preferred against Mr. Hincks, and it was time now that they should be investigated.¹³⁶ Tout le monde peut venir devant lui faire ses accusations, et toutes les questions peuvent être vidées une fois pour toutes.¹³⁷ The member for Montreal (Mr. Dorion) wished to limit the subjects of investigation. He (Mr. L.) understood the meaning of this proposal. If the cases which could be investigated were limited, the accused might be acquitted upon them, but accusers would still be able to say--"Oh yes, the accused have been acquitted on these charges but there were several more which were not investigated."¹³⁸ If he were found guilty he must suffer the penalty; but if he were found innocent time would not eradicate the disgrace of those who had accused him falsely.¹³⁹ Il est convaincu que l'enquête couvrira de honte les ennemis du membre pour Renfrew.¹⁴⁰

MR. SANBORN dit qu'un étranger, en entendant l'hon. membre pour Laprairie, penserait qu'aucune personne n'avait répandu les rapports contre le membre pour Renf[r]ew que les membres de l'opposition. Qu'il lise, pourtant, les adresses des ministres actuels, et il verra des accusations bien autrement sévères que celles qu'il impute à l'hon. membre pour Montréal.¹⁴¹ It was most unfair for the last speaker to single out Mr. Dorion of Montreal for special attack. He denied that his address would bear the construction put upon it. Many of the addresses of members who now belonged to the alliance were much more pointed and severe than that of the member for Montreal, and when that was the case, he could not understand why that gentleman should be singled out for attack.¹⁴² On penserait aussi à entendre l'hon. membre que le comité ne devrait pas publier tous les faits qui viendront devant lui, afin de corriger l'opinion publique, si elle n'est pas juste, et que l'objet principal du comité soit de disgracier les calomniateurs de ce membre au lieu d'éclairer l'esprit public. Pour lui-même il croit que quels que soient les membres du comité, le membre pour Renfrew peut leur confier sa réputation, si cette réputation est vraiment sans tache. Ils ne seront pas coupables de faire un rapport opposé aux faits.¹⁴³ The charges against Mr. Hincks were not confined to Montreal, but they had spread over the whole country, and had weakened the power of the government--that was not or could not be denied.¹⁴⁴ Il pense aussi que la distinction qu'a établie l'honorable membre pour Montréal est parfaitement juste. Les mots mêmes qu'a lus le membre pour Laprairie font preuve que celui-ci a tort, et que l'hon. membre pour Montréal a raison. On sait que l'hon. membre pour Renfrew a fait dans la Chambre la déclaration dont l'hon. membre pour Montréal parlait dans son adresse (sic).¹⁴⁵ Here the honorable member read from a letter of Mr. Hincks in the newspapers, in which it was stated that it was the custom in all the B.N.A. colonies for ministers to buy Crown Lands, and he (Mr. S.) held that principle to be untenable.¹⁴⁶

MR. HINCKS would explain what he had said, in order that there might be no mistake about it. He spoke of it as a matter of fact that, in Nova Scotia, Canada and New Brunswick, from time immemorial, there had been numerous precedents of Ministers of the Crown purchasing property from the Crown.¹⁴⁷

MR. SANBORN said he spoke principles and opinions in those facts.¹⁴⁸

MR. HINCKS.--I spoke facts.¹⁴⁹

MR. SANBORN.--On comprend précisément ce qu'a dit l'hon. membre. C'est une matière d'opinion, et l'opinion du pays a été exprimée dans un sens entièrement opposé à ce monsieur.¹⁵⁰ The principle of permitting a minister to buy public land was most improper, and ought to be set right by the committee. All lawyers and intelligent men had no doubt on that point.¹⁵¹ Quant à la constitution du comité, s'il était tout d'une couleur il ne serait pas du tout satisfaisant, et il croit qu'il doit y avoir quelque[s] membre[s] qui ont exprimé une opinion afin

qu'il soit actif, et non pas entièrement passif; en même tems, il n'a pas d'objection à ce que la moitié du comité soit du côté ministériel de la Chambre.¹⁵² Referring to the position of the member for Kingston, he (Mr. S.) could not help remarking on the change of tone in the speech he delivered last night and that which he made in June last. He (Mr. S.) would not discuss the statements made by the honourable member for Kingston last night, he only remarked on the tone. But now the honorable member for Kingston told them that he felt embarrassment in June last at having spoken so strongly when Mr. Hincks said he desired investigation, and would allow Sir Allan MacNab to nominate the committee. With reference to that, he (Mr. S.) could only say that he did not see any sign of the embarrassment the honorable member spoke of. The honorable member might have felt embarrassment, but he (Mr. S.) did not see it.¹⁵³

MR. AT. GEN. J.A. MACDONALD desired to explain; he spoke differently now, of course, to that of June last, for now he acted as it were in a judic[i]al capacity, and then he spoke strongly to force on an investigation.¹⁵⁴ At that time, he demanded an investigation and was pressing it now.¹⁵⁵

MR. SANBORN said as the honorable member volunteered that statement, perhaps he would be so good as to state how, or give some particular instance.¹⁵⁶

MR. FELTON would leave it to the honorable member to say if it were true.¹⁵⁷

MR. SANBORN then was obliged to say it was untrue. (Laughter.)¹⁵⁸

MR. FELTON desired to know how it was that the member who spoke last but one had only so recently discovered that the late Ministry were corrupt, as he supported them up to the moment when he saw they would be defeated whether he supported them any longer or not; and offered, if the matter were contested to introduce documents to prove that he (Mr. Sanborn) owed his election to the favorable influence of the Government.¹⁵⁹ He thought, for that reason, that gentleman's attack on the Inspector General to-night was most ungracious.¹⁶⁰ He (Mr. F.) combated the doctrine of Mr. Sanborn that the committee ought to be composed of persons biassed against the accused. A public man was as much entitled to take precaution to secure a fair trial as any private individual.¹⁶¹

MR. CARTIER said the committee of Mr. Mackenzie might be called the black-dying committee instead of the whitewashing committee. On the committee named by the Solicitor General there was only one man who had been a real supporter of Mr. Hincks' administration, and that was Mr. Lemieux. If any man had a right to complain of the committee it was Mr. Hincks. But he did not, because he relied on the purity of his character and the uprightness of his conduct. The motion before the chair was the proper one to make, and it covered all that was contained in the proposition of Sir Allan MacNab in June last. He (Mr. C.) had no doubt his hon. friend the Inspector General would leave the committee with hands clean and white, because they were clean and white already.¹⁶²

MR. GALT, remarking on Mr. Felton's speech, said Mr. Sanborn had made no attack on Mr. Hincks at all. He had only discussed a principle.¹⁶³ Le gouvernement se charge maintenant de l'enquête sur la conduite du membre pour Renfrew, et il sera responsable pour la manière dont elle sera poursuivie.¹⁶⁴ [He] had no hesitation in expressing an opinion that the result of a fair investigation would be to acquit the late Inspector General. He was himself personally aware that many of the charges against him were false, and from these known facts, he could not but argue that the remainder were also equally false.¹⁶⁵

MR. FREEMAN did not see what the duties of the committee were to be. He could not learn them from the motion, nor from the speeches that he had heard. That numerous charges had been made against the late ministry, there was no

doubt; nor could it be doubted, those charges had damaged them in the country.¹⁶⁶ Croyant que le but principal du comité est de tra[n]quilliser l'esprit public, [il] désire que le comité soit strictement impartial¹⁶⁷. If a committee of investigation should report on those charges the country would have no confidence in the report if it had none in the committee, that was clear. It was also clear that the country would see no other line of demarcation than ministerial and anti-ministerial. The public would not have confidence in the report of a ministerial committee, and that proposed by the Solicitor General was ministerial, in the proportion of five to two. The report of a committee so composed would not inspire confidence. Further, the position of the late Inspector General was an unnatural one. He was now supporting the men who turned him out of office; and the country would say the ministry did not press charges against Mr. Hincks for fear that he would withdraw his support from them. He (Mr. F.) had never made any charges against Mr. Hincks.¹⁶⁸

MR. HINCKS, notwithstanding the taunt of the hon. member for Glengarry, would say a few words in reply to Mr. Freeman. He should not have spoken at all, but he did not think it was right for him to remain silent under the peculiar attacks that were made upon him. If his (Mr. H.'s) position were an unnatural one, it was one that was approved of by his constituents, and he had reason to believe by the country, and gentlemen who had long distinguished themselves in the cause of reform.¹⁶⁹ He had the satisfaction of knowing that it was supported by a large majority of the party with which he had acted, by the two constituencies by which he was elected, and by the constituents of the hon. member for South Wentworth.¹⁷⁰ His (Mr. H.'s) position was not so unnatural as that of the gentleman (Mr. Freeman), who had taken the unusual and extraordinary step of signing a "round robin," with the view to defeat the elections of the gentlemen who had just gone to their constituencies, and what was the result? Why, that four of them had been elected by acclamation; and Mr. Spence, by a very large majority in North Wentworth, where the hon. gentleman and others had gone to use their best exertions to procure his defeat. So strong had the hon. gentleman found the public in North Wentworth, that after going there as a delegate he dared not address a public meeting at which he was present.¹⁷¹ This was remarkable conduct for a gentleman who was one of the signers of the round-robin against the election of the Post-Master General.¹⁷² He (Mr. H.) knew nothing of the hon. member's antecedents, and he could tell him that his constituents sent him to support the late ministry.¹⁷³

MR. FREEMAN said "No."¹⁷⁴

[MR. HINCKS continued:] He (Mr. H.) had never considered the hon. gentleman a sound member of the reform ranks.¹⁷⁵ When the hon. gentleman spoke of the ministry holding office at his (Mr. H.'s) will, he paid a very poor compliment to the members for Upper Canada with whom he (Mr. H.) usually acted. The hon. gentleman (Mr. Freeman) had himself been elected to support the late ministry, and he (Mr. H.) was prepared to prove that he came down here to support that ministry. He could also tell the hon. gentleman that it was generally believed, in Upper Canada, that he was afterwards led off by the bait of the Solicitor Generalship, held out to him by the hon. member for Glengary. That was what the people of Upper Canada believed. The hon. member for South Wentworth had never been ... upon as a very reliable member of the Reform party: he had always been looked upon as having his little weaknesses and being open to influence from any party who would give him a petty employment (laughter); and he (Mr. H.) believed that the hon. gentleman was more Conservative, at this moment, than he (Mr. H.) This was the gentleman who spoke of his (Mr. H.'s) unnatural position. Perhaps, said Mr. Hincks, he will learn to let me alone. The election of Mr. Spence showed that public opinion sustained the position which the member for

South Wentworth assailed; and in a few days South Oxford would do the same.¹⁷⁶

MR. FREEMAN said, that the statement of the ex-Inspector General that he (Mr. F.) dared not speak at a meeting in North Wentworth, was not founded in fact.¹⁷⁷

MR. HINCKS.--Does the hon. gentleman mean to deny that he was present at a public meeting in Dundas; and that he was asked to address the electors and refused?¹⁷⁸

MR. FREEMAN said he was present; and was asked to address the electors, but refused, at the request of the friends of Mr. Spence.¹⁷⁹

MR. HINCKS.--It was most extraordinary that the gentleman who signed the round robin against Mr. Spence's election, and had gone to Upper Canada to oppose him, should, merely at the suggestion of Mr. Spence's friends have refused to address the meeting.¹⁸⁰

MR. MARCHILDON eut son tour ... mais ... aucun rapporteur ne donne une édition complète.¹⁸¹

MR. BELLINGHAM could not agree with the logic of the hon. member for Montreal, who proposed to limit the inquiry to the question, if there were any [s]peculations in the public lands. Now, the accusations against the late ministry were serious, and the public expected a general and searching inquiry. The press of the constituency represented by the hon. member from Montreal, had given currency to many imputations against the late ministry, which nothing in his address negatived, and if any attempt were made to muzzle witnesses or stifle (*sic*) inquiry, no man was more able than that honourable member to expose it, and at the same time stigmatize the ministry with deception. It was the duty of the House to vindicate its honor, and as a new member he for one had no desire to sully his career at the commencement by voting with a ministry that would suppress inquiry. Every motive prompted them to secure rigid and impartial justice--without that they could not hope for the confidence of the country, and it was not to be imagined that they would sacrifice their position by unfair policy. The late honourable Inspector General had been made the target, against which the shafts of calumny had been flung from every quarter, and it must have required no ordinary courage on his part to have courted inquiry and sought every opportunity of offering explanations. He had avowed a principle of action which he (Mr. B.) condemned, namely, that of the right of a minister of the Crown to indulge in speculations. It ought to be the duty of the committee clearly and emphatically to enunciate the principle that no minister should, in any circumstances indulge in speculations. It ought also to go further and recommend the payment of an income befitting the rank and station of a minister, if it is desired to prevent his having an excuse to invest his money as he thinks proper.--The ministry must be sincere in this investigation or they would arouse the indignation of the country. Believing them to be sincere, he (Mr. B.) gave them his support in the committee they had named.¹⁸²

MR. A. DORION, en réponse aux membres pour Laprairie et Argenteuil, dit qu'il ne s'oppose ni à la nomination du comité ni au choix des membres pour y servir. Il veut seulement que les objets de l'enquête soient définis.¹⁸³

MR. HARTMAN condemned the irrelevancy of the debate¹⁸⁴. [He] condemned the composition of the committee, and said he thought it was part of a bargain between the hon. member for Renfrew and the gallant knight from Hamilton.¹⁸⁵ [He] referred to the charges that Mr. Hincks had made against the family of Mr. Robinson in June last with reference to the obtaining public lands.¹⁸⁶

MR. HINCKS denied that he had made any such charges.¹⁸⁷

MR. HARTMAN read from a report of the debate in support of his assertion.¹⁸⁸

MR. HINCKS.--That is not true.¹⁸⁹

MR. HARTMAN was not to be put off the track by the honourable member's accusations of falsehood.¹⁹⁰

MR. HINCKS.--you shall have them as often as you state that which is false.¹⁹¹

MR. HARTMAN said he must believe his own memory, and he sat quite near to the honourable member and heard him distinctly make the statements that he had just read. He went on to say that because of those charges he did not believe Mr. Robinson a proper person to be on the committee. Mr. H. next read from the invective of Mr. J.A. Macdonald against the late ministry in June last in which he said that after the statements of Mr. M. Cameron at Perth, the "only tie that could bind that ministry together was that of common plunder."¹⁹²

Loud cries of Hear, hear on the opposition benches.¹⁹³

[MR. HARTMAN continued:] Yet after such language as that, they found the honourable member allied with those against whom he used it. The present government held office by Mr. Hincks' permission and it seemed to him that that support was the result of a bargain, and that the price of it was to hush up the charges.¹⁹⁴

MR. PRES. EX. COUN. MACNAB rose to order. He could not permit such imputations on his character, at once as dishonorable as they were false. He had never made any such suggestion.¹⁹⁵ The hon. gentleman was out of order in imputing improper motives and referring to debates which previously took place. He had no right to do so: the rules of Parliament forbid it.¹⁹⁶

MR. HARTMAN only spoke of his impressions, and had said the thing had that air to him.¹⁹⁷

MR. SICOTTE the SPEAKER said there was a rule of the Parliament of Great Britain which prevented reference to previous debates; but we had no such rule here.¹⁹⁸

Some conversation here arose on a point of order raised by Sir Allan McNab who said it was out of order for a member to read from newspapers.¹⁹⁹

MR. SICOTTE the SPEAKER said there was a rule in the Imperial Parliament against it but none in this, and it had been permitted.²⁰⁰

MR. PRES. EX. COUN. MACNAB said there was a further rule that in all unprovided cases the rules of the Imperial Parliament were to be followed here; and therefore reading papers was out of order.²⁰¹

MR. J.S. MACDONALD.--No it is not. It is the custom of this House and we have no rule to the contrary, therefore the rule of the Imperial Parliament does not apply. None read from newspapers more than gentlemen opposite. Further, he quoted from a book to the effect that the rule had been relaxed of late years in the Imperial Parliament.²⁰²

MR. HARTMAN, after some further remarks, desired to withdraw his name from seconding Mr. McKenzie's motion, which he had only seconded in order to give the hon. member an opportunity to speak.²⁰³

MR. AT. GEN. J.A. MACDONALD rose to order. The hon. gentleman (Mr. Hartman) hrd (sic) committed a fraud upon the House and confessed it; and according to the

rules of Parliament he had committed a contempt of the House.²⁰⁴

MR. MACKENZIE said he clearly saw that the wish of the House was that the committee should be selected by the House; and for that reason he desired to withdraw his amendment.²⁰⁵

MR. INSP. GEN. CAYLEY said the Government had no desire to force the Committee on the House. They would quite as soon have a Committee named by the House.²⁰⁶ For himself, he preferred to have the committee elected by the House.²⁰⁷

MR. DALY objected to the composition of the committee proposed in the main motion; and declared his preference for the appointment of a committee by the House.²⁰⁸ He defended himself for having signed the "Round Robin," on the grounds that he had not confidence in the combinations.²⁰⁹

A demand was then made by several members there that the Committee should be named by the House, which must be done according to the rules if only two members demand it.²¹⁰

(173)

And the Question being put on the Amendment:--It passed unanimously in the Negative.

And the Names of the Members present being called for, they were taken down, as follow:--

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Bourassa, Bowes, Bureau, Cartier, Cauchon, Cayley, Chapais, Chauveau, Crawford, Daly, Charles Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Jean Baptiste Eric Dorion, Antoine Aimé Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Fortier, Fournier, Fraser, Freeman, Galt, Gill, Gould, Guévremont, Hartman, Holton, Jackson, Jobin, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Lorange, Macbeth, John Sandfield Macdonald, Attorney General Macdonald, Poderick McDonald, Mackenzie, Sir Allan N. MacNab, McCann, McKerlie, Marchildon, Masson, Meagher, Mongenais, Morin, Joseph Curran Morrison, Murney, Niles, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Roblin, Solicitor General Ross, Sanborn, Scat-cherd, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Stevenson, Taché, Terrill, Thibaudeau, Valois, and Wright.

MR. MURNEY insiste alors sur la règle de la Chambre qui ordonne que tout comité soit nommé par la Chambre, si quelque membre le demande.²¹¹

MR. SICOTTE the SPEAKER décide en faveur de la règle invoquée par M. Murney, et la Chambre nomme le comité²¹².

(173)

And the main Question being again proposed; and Objections being made under the 83rd Rule of this House to the Committee being named by the mover;

Resolved, That a Committee of seven Members be appointed for the purpose of investigating all charges preferred or alleged in this House, or elsewhere, respecting the dealing of any Member or Members of the late Administration in the purchase of Public Lands, in the traffic or purchase of Provincial, Municipal or other Public Securities or Stocks, or of Stocks in Railways, in the construction of Public Works either Foreign or Provincial, and respecting any other charges of official misconduct whatever against them or any of them, to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered, That Mr. Solicitor General Smith, Mr. Sidney Smith, the Honorable Mr. Robinson, Mr. Lemieux, Mr. Antoine Aimé Dorion, Mr. Crawford, and Mr. Brown, do compose the said Committee.*²¹³

Then, on motion of the Honorable Mr. Chauveau, seconded by the Honorable Mr. Attorney General Macdonald,

*The House adjourned.*²¹⁴

[WITHDRAWN MOTION: FOR COMMITTEE TO PREPARE A BILL ON VOTE BY BALLOT.]

MR. MACKENZIE moved for the appointment of a committee, with instructions to prepare and report a bill for the introduction of the principle of voting by ballot in the elections of the Legislative Assembly.²¹⁵ He had read of Sir Charles Metcalfe as a tyrant, a lover of Tories and all that sort of thing; but in the second volume of his life, received by the steamer Charity, he (Mr. M.) found that he (Sir C.M.) was the advocate of some of the most radical measures.²¹⁶ The late Lord Metcalfe, Governor General of Canada, was, like Lord Durham, a firm friend to the ballot. In a letter addressed by him to his friend Mr. Mangles,²¹⁷ [OR] Mr. Niles,²¹⁸ which he found in the second volume of his life, page 455, dated "Deer Park, Jan. 15, 1843," his Lordship says: "The only thing that I have the least inclination for, is a seat in Parliament, of which, in the present predominance of Toryism in the constituencies, there is no chance for a man who is for the abolition of the Corn Laws, vote by ballot, extension of the suffrage, amelioration of the poor, equal rights to all sects of Christians in matters of religion, and equal rights to all men in civil matters; and everything else that to his understanding seems just and right."²¹⁹ He (Mr. Mackenzie) also referred to the opinions expressed by Babington Macaulay and those of Mr. Hincks, while editor of the Examiner, in favor of the Ballot. It might perhaps be said that a state of things existed here different from what exists in England; and that while the Ballot was necessary in England it was not necessary here. This he denied. No man hated the Ballot, in the abstract, more than he did; and nobody would oppose it more strongly than he would, if all the people were those pure beings that are read of in the Bible. The people of this country regarded the Ballot as a reform measure; they had always so regarded it and always would so regard it. In 31 States of the American Union the Ballot exists--States founded by Englishmen. It would be seen by the course the Government took whether they were in favor of or opposed to one of the most important reforms that could be brought up. In England, De Foe introduced the Ballot into the House of Commons and carried it, but it was thrown out in the House of Peers--which then played the same part of obstruction that our Legislative Council used to play. He (Mr. M.) then proposed the appointment of a committee with instructions to prepare and report a bill for the introduction of the principle of voting by Ballot in the elections of the Legislative Council and Assembly and other elections.²²⁰

MR. PRES. EX. COUN. MACNAB suggested the leaving of the matter over till the arrival of Mr. Spence.²²¹

MR. MACKENZIE said he had no idea that Mr. Spence's presence would produce the slightest effect upon the measure. He had no idea that the Government would take it up; if he had he would delay it at once.²²²

MR. COM. CR. LANDS MORIN said the object of the delay asked for was to give the government an opportunity of consulting whether they would take up the question as a government measure.²²³

MR. MACKENZIE expressed himself satisfied with the explanation, and withdrew his motion.²²⁴

[WITHDRAWN MOTION: FOR AN ADDRESS FOR CORRESPONDENCE ON THE UNION OF THE BRITISH NORTH AMERICAN PROVINCES.]

MR. J. DORION (of Drummond) [moved] ... for an address to His Excellency for copies of certain correspondence relative to the union of the British American Provinces²²⁵.

MR. COM. CR. LANDS MORIN said thure (sic) was no such correspondence.²²⁶

[QUESTION AND ANSWER RE: TITLES TO SETTLERS IN WOTTON AND HAM.]

MR. J. DORION de Drummond, ayant demandé, au commencement de cette séance, si c'est l'intention du gouvernement d'accorder des patentes, gratuitement, à tous les colons qui se sont établis dans les townships de Wotton et Ham indistinctement, tel qu'on le leur a donné à entendre lorsqu'ils s'y sont établis pour subvenir à l'existence de leurs familles²²⁷.

MR. COM. CR. LANDS MORIN répondit qu'il n'aurait pas d'objection à ce que le comité qui sera nommé pour s'enquérir de l'établissement des terres incultes s'occupât du sujet, et il déclara que si la foi du gouvernement se trouvait engagée vis-à-vis de ces colons, elle serait maintenue.²²⁸

[QUESTION AND ANSWER RE: REPAIRS TO MELBOURNE BRIDGE.]

[MR. J. DORION asked a question.]²²⁹

MR. COM. CR. LANDS MORIN ... said ... the government did not intend to repair Melbourne bridge.²³⁰

FOOTNOTES: 12 OCTOBER 1854.

1. TORONTO LEADER, 18 October 1854.
2. IBID.
3. GLOBE, 18 October 1854.
4. IBID.
5. TORONTO LEADER, 18 October 1854.
6. GLOBE, 18 October 1854.
7. IBID.
8. MORNING CHRONICLE, 14 October 1854. The MONTREAL GAZETTE, 16 October 1854, and HAMILTON SPECTATOR, 21 October 1854, attribute this speech to Mr. Merritt.
9. LE PAYS, 17 October 1854.
10. HAMILTON GAZETTE, 23 October 1854.
11. LE PAYS, 17 October 1854.
12. MORNING CHRONICLE, 14 October 1854.
13. LE PAYS, 17 October 1854.
14. GLOBE, 18 October 1854.
15. IBID.
16. MORNING CHRONICLE, 14 October 1854.
17. LE PAYS, 17 October 1854.
18. MORNING CHRONICLE, 14 October 1854.
19. IBID.
20. IBID.
21. IBID.
22. TORONTO LEADER, 18 October 1854.
23. LE PAYS, 17 October 1854.
24. MORNING CHRONICLE, 14 October 1854.
25. LE PAYS, 17 October 1854.
26. MORNING CHRONICLE, 14 October 1854.
27. LE PAYS, 17 October 1854.
28. MORNING CHRONICLE, 14 October 1854.
29. LE PAYS, 17 October 1854.
30. MORNING CHRONICLE, 14 October 1854.
31. MONTREAL GAZETTE, 16 October 1854.
32. MORNING CHRONICLE, 14 October 1854.
33. TORONTO LEADER, 18 October 1854.
34. MORNING CHRONICLE, 14 October 1854.
35. IBID.
36. IBID.
37. IBID.
38. GLOBE, 18 October 1854.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. MONTREAL GAZETTE, 16 October 1854.
44. TORONTO LEADER, 18 October 1854.
45. MONTREAL GAZETTE, 16 October 1854.
46. TORONTO LEADER, 18 October 1854.
47. IBID.
48. MONTREAL GAZETTE, 16 October 1854.
49. IBID.
50. TORONTO LEADER, 18 October 1854.

51. MONTREAL GAZETTE, 16 October 1854.
52. TORONTO LEADER, 18 October 1854.
53. MONTREAL GAZETTE, 16 October 1854.
54. TORONTO LEADER, 18 October 1854.
55. MONTREAL GAZETTE, 16 October 1854.
56. MORNING CHRONICLE, 14 October 1854.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. TORONTO LEADER, 18 October 1854.
62. MORNING CHRONICLE, 14 October 1854.
63. TORONTO LEADER, 18 October 1854.
64. MORNING CHRONICLE, 14 October 1854.
65. IBID.
66. IBID.
67. TORONTO LEADER, 18 October 1854.
68. MORNING CHRONICLE, 14 October 1854.
69. TORONTO LEADER, 18 October 1854.
70. GLOBE, 18 October 1854.
71. LE PAYS, 17 October 1854.
72. GLOBE, 18 October 1854.
73. TORONTO LEADER, 18 October 1854.
74. GLOBE, 18 October 1854.
75. IBID.
76. IBID.
77. IBID.
78. TORONTO LEADER, 18 October 1854.
79. GLOBE, 18 October 1854.
80. TORONTO LEADER, 18 October 1854.
81. GLOBE, 18 October 1854.
82. IBID.
83. IBID.
84. TORONTO LEADER, 18 October 1854.
85. GLOBE, 18 October 1854.
86. LE PAYS, 17 October 1854. Telegraph (MORNING CHRONICLE, 13 October 1854), notes: "The House rose at 6 o'clock by its rule while Mr. Dorion was speaking."
87. LE PAYS, 17 October 1854.
88. IBID.
89. TORONTO LEADER, 18 October 1854.
90. LE PAYS, 17 October 1854.
91. IBID.
92. TORONTO LEADER, 18 October 1854.
93. LA MINERVE, 19 October 1854.
94. TORONTO LEADER, 18 October 1854.
95. LA MINERVE, 19 October 1854.
96. GLOBE, 18 October 1854.
97. LA MINERVE, 19 October 1854.
98. LE PAYS, 17 October 1854.
99. GLOBE, 18 October 1854.
100. TORONTO LEADER, 18 October 1854.
101. LE PAYS, 17 October 1854.
102. GLOBE, 18 October 1854.
103. IBID.
104. TORONTO LEADER, 18 October 1854.

105. GLOBE, 18 October 1854.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. TORONTO LEADER, 19 October 1854.
113. GLOBE, 18 October 1854.
114. TORONTO LEADER, 19 October 1854.
115. GLOBE, 18 October 1854.
116. TORONTO LEADER, 19 October 1854.
117. LE PAYS, 17 October 1854.
118. IBID.
119. TORONTO LEADER, 19 October 1854.
120. LE PAYS, 17 October 1854.
121. TORONTO LEADER, 19 October 1854.
122. IBID.
123. LE PAYS, 17 October 1854. The GLOBE, 18 October 1854, comments: "In his brief but forcible speech the member for Hastings made some hard hits, and his blows told severely among his quondam associates. Mr. Hincks was so badgered that he lost his temper altogether, and three times gave the lie to Hartman (who was very deliberately everhauling (sic) him) in the most emphatic style."
124. GLOBE, 18 October 1854.
125. TORONTO LEADER, 19 October 1854.
126. IBID.
127. GLOBE, 18 October 1854.
128. TORONTO LEADER, 19 October 1854.
129. GLOBE, 18 October 1854.
130. TORONTO LEADER, 19 October 1854.
131. GLOBE, 18 October 1854.
132. LE PAYS, 17 October 1854.
133. IBID.
134. GLOBE, 18 October 1854.
135. LE PAYS, 17 October 1854.
136. GLOBE, 18 October 1854.
137. LE PAYS, 17 October 1854.
138. TORONTO LEADER, 19 October 1854.
139. GLOBE, 18 October 1854.
140. LE PAYS, 17 October 1854.
141. IBID.
142. GLOBE, 18 October 1854.
143. LE PAYS, 17 October 1854.
144. GLOBE, 18 October 1854.
145. LE PAYS, 17 October 1854.
146. GLOBE, 18 October 1854.
147. TORONTO LEADER, 19 October 1854.
148. GLOBE, 18 October 1854.
149. IBID.
150. LE PAYS, 17 October 1854.
151. GLOBE, 18 October 1854.
152. LE PAYS, 17 October 1854.
153. GLOBE, 18 October 1854.
154. IBID.

155. TORONTO LEADER, 19 October 1854.
156. GLOBE, 18 October 1854.
157. IBID.
158. IBID.
159. TORONTO LEADER, 19 October 1854.
160. GLOBE, 18 October 1854.
161. TORONTO LEADER, 19 October 1854.
162. GLOBE, 18 October 1854.
163. IBID.
164. LE PAYS, 17 October 1854.
165. TORONTO LEADER, 19 October 1854.
166. GLOBE, 18 October 1854.
167. LE PAYS, 17 October 1854.
168. GLOBE, 18 October 1854.
169. IBID.
170. TORONTO LEADER, 19 October 1854.
171. GLOBE, 18 October 1854.
172. TORONTO LEADER, 19 October 1854.
173. GLOBE, 18 October 1854.
174. IBID.
175. IBID.
176. TORONTO LEADER, 19 October 1854.
177. GLOBE, 18 October 1854.
178. TORONTO LEADER, 19 October 1854.
179. TORONTO LEADER, 19 October 1854. The GLOBE, 18 October 1854, reports that Mr. Freeman said: "[He] did not speak, because he was asked by some of Mr. Spence's friends. (Loud Laughter.)"
180. TORONTO LEADER, 19 October 1854.
181. LA MINERVE, 19 October 1854.
182. GLOBE, 18 October 1854.
183. LE PAYS, 17 October 1854.
184. GLOBE, 18 October 1854.
185. TORONTO LEADER, 19 October 1854.
186. GLOBE, 18 October 1854.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. TORONTO LEADER, 19 October 1854.
197. GLOBE, 18 October 1854.
198. TORONTO LEADER, 19 October 1854.
199. GLOBE, 18 October 1854.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. TORONTO LEADER, 19 October 1854.
205. IBID.
206. GLOBE, 18 October 1854.
207. TORONTO LEADER, 19 October 1854.

208. IBID.
209. GLOBE, 18 October 1854.
210. IBID.
211. LE PAYS, 17 October 1854.
212. IBID.
213. The WESTERN PLANET, 25 October 1854, notes that "eight hours have been consumed in this discussion." TORONTO LEADER, 19 October 1854, notes that "During the discussion, Mr. Hincks drew a lifelike portraiture of Mr. Freeman."
214. The TORONTO LEADER, 19 October 1854, states that "the House adjourned shortly before eleven o'clock." The TORONTO LEADER, 19 October 1854, notes: "After the adjournment, a curious incident occurred on the floor of the House. Mr. Scatchard (sic), who had been the first to vote for Mr. Brown, went across the floor, and with the most smiling complaisance offered to shake hands with Mr. Hincks. The latter indignantly refused." The HAMILTON GAZETTE, 23 October 1854, continues: "Mr. Hincks, ... told Mr. Scatcherd, 'that nobody but a blackguard would vote to put Mr. Brown on a committee to investigate his (Mr. Hincks's) conduct.' Mr. Scatchard (sic) replied, 'that it was not the first time that Mr. Hincks had insulted him, and behaved in a blackguard manner.' To which Mr. Hincks answered, that any man who would put Mr. Brown in a position to try him, after all he had done and said, would not hesitate to cut his (Mr. Hincks's) throat." The correspondent of the Montreal Commercial Advertiser is quoted in the GLOBE, 19 October 1854: "The House having adjourned immediately after the vote, the elated feeling of the members of the 'parti gauche' could easily be seen and understood. But it was more as a triumph over Mr. Hincks than anything else that it was regarded, and Mr. Hincks took it so, for his chagrin could not only be gathered from his general appearance and the expression on his features, but it was not concealed in his language. He is reported, according to my information, to have made use of terms of the most opprobrious kind towards Mr. Scatcherd, and to have included in his denunciation all the Clear Grit and Reform members, by whose vote Mr. Brown was placed on this committee."
215. GLOBE, 18 October 1854.
216. TORONTO LEADER, 18 October 1854.
217. GLOBE, 18 October 1854.
218. TORONTO LEADER, 18 October 1854.
219. GLOBE, 18 October 1854.
220. TORONTO LEADER, 18 October 1854.
221. IBID.
222. IBID.
223. IBID.
224. IBID.
225. IBID.
226. IBID.
227. Telegraph (LE PAYS, 14 October 1854).
228. IBID.
229. Telegraph (MORNING CHRONICLE, 13 October 1854).
230. IBID.

FRIDAY, 13 OCTOBER 1854.

(174)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of Eli Gorham and others, of the Township of Whitchurch; and the Petition of Mary Nixon and other Females, of the Village of Newmarket.

By Mr. Niles,--The Petition of John W. Robson and others, of the western part of the Township of London.

By Mr. Labelle,--The Petition of the Reverend P.C. Dubé and others, of the Parish of St. Martin, County of Laval.

By Mr. Bellingham,--The Petition of Duncan Sinclair and others, of the Township of Chatham, County of Argenteuil.

By Mr. Stevenson,--The Petition of J.T. Insley and others, of the Township of Athol, County of Prince Edward.

By Mr. Macbeth,--The Petition of John Hidden and others, of the Township of Dunwich.

By Mr. Daly,--The Petition of A. Henderson and others, of the Township of Wallace, and other places; the Petition of Alexander Grant and others, of the Township of North Easthope; and the Petition of John Mitchell and others, of the Townships of Elma and Wallace, and other places.

By Mr. Laberge,--The Petition of Olivier Beaudry and others.

By Mr. DeLong,--The Petition of Robert Robinson and others, of the Township of North Crosby; and the Petition of Mrs. Sinclair and others, Wives, Mothers, Daughters and Sisters, of the Village of Westport and its vicinity.

By Mr. McCann,--The Petition of George B. Roe and others, of the Township of Clarence.

By Mr. Matheson,--The Petition of St. Lawrence Division, No. 16; and the Petition of Ingersoll Division, No. 233, both of the Order of the Sons of Temperance; the Petition of A. Gordon and others, of the Town of Ingersoll; and the Petition of John Foy and others, of the Township of East Nissouri.

By Mr. Patrick,--The Petition of Charles Brodie and others, Members of Gough Division, No. 3, of the Order of the Sons of Temperance.

By Mr. Roderick McDonald,--The Petition of Mrs. Jane McIntosh, of the Township of Cornwall.

By Mr. Sanborn,--The Petition of the Council of Bishop's College, in the District of St. Francis.

By Mr. Felton,--The Petition of Charles Brooks and others, of the Eastern Townships.

By Mr. Terrill,--The Petition of John M. Jones and others, Trustees of the Charleston Academy.

By Mr. Lemieux,--The Petition of J.T. Taschereau and others, of the City of Quebec, and vicinity.

Pursuant to the Order of the day, the following Petitions were read:--

Of John H. Finley and others; praying for the passing of a Prohibitory Liquor Law.

Of John Counter, Esquire, of the City of Kingston; representing that in consequence of having become security to the Commissioners of Public Works on behalf of the Contractors for the construction of the Junction Canal at Edwardsburgh, he was compelled to undertake the completion of the said work under very great dis-

(175)

advantages, to his serious loss and inconvenience; and praying for an inquiry and relief in the premises.

Of the North Shore Railway Company and the Montreal and Bytown Railway Company; praying for an Act of Incorporation to enable them to construct a Railway from Pembroke to the Georgian Bay, and thence to the Sault Ste. Marie.

Of Louis Giard, Secretary, and J. Lenoir, Clerk, of the Board of Education for Lower Canada; praying for an increase of Salary.

Of R.G. Belleau and others, of the Parish of Ste. Foye, County of Quebec, and others; praying for the passing of an Act to remove doubts as to the intention of the 5th Clause of the Act 16 Vic. cap. 235, and to declare that the Bridgewater Road is that intended thereby to be placed under the control of the Quebec Turnpike Trust.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Sixth Report of the said Committee; which was read, as followeth:

Your Committee have examined the following Petitions, and find that the requisite Notices have been given in each case, viz:--Of Thomas Merritt and others, of St. Catharines; of the Champlain and St. Lawrence Railroad Company; of the Montreal and New York Railroad Company, (amalgamation with the Champlain and St. Lawrence Company); of A.M. Delisle and others, of the City of Montreal; of William Ford, the younger, and others, of the City of Kingston, and others; of James Wallace and others, of the United Counties of Peterborough and Victoria; of J.W. Dorwin and others, of the District of Montreal; of Thomas Mackie and others; and of the President, Directors and Company of Port Burwell Harbour.

On the Petition of William Boylan and others, of Dawn, Euphemia, and the Gore of Camden, praying that a certain portion of the said Gore may be attached to Dawn, the Notice proved before Your Committee is for five weeks only, viz: from the 2nd February to the 9th March, but the evidence produced before Your Committee satisfied them that the matter was sufficiently well-known in the locality affected; they would therefore respectfully recommend that the Notice be considered sufficient.

The Petitions of Mrs. M. Lunn and other Ladies, Directresses of the University Lying-in Hospital of Montreal; praying for an Act of Incorporation, and of Leon Rousseau and others, of the Seigniorship of Yamaska, for certain amendments to the Act for regulating the Common of Yamaska, are not, Your Committee conceive, of such a nature as to require the publication of Notice.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Masson College at Terrebonne, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate the Masson College of Terrebonne, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Langton have leave to bring in a Bill to incorporate a Company to construct a Railroad from Peterborough to Mud Lake.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-third day of October instant.

(176)

Ordered, That Mr. Gill have leave to bring in a Bill to amend the Act to revive the Act authorizing the Inhabitants of the Seigniorship of Yamaska to regulate the Common of the said Seigniorship.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Dufresne have leave to bring in a Bill to incorporate the L'Assomption River and Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to incorporate the Welland Canal Fire and Marine Insurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Petition of John Counter, Esquire, of the City of Kingston, be printed for the use of the Members of this House.

Ordered, That Mr. Sanborn have leave to bring in a Bill to incorporate the Canada Copper Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to incorporate the Hochelaga Dock Company, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to amend the Acts incorporating the Montreal and New York Railroad Company, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to amend the Act incorporating the Champlain and St. Lawrence Railroad Company, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Bill to incorporate the St. Francis College, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to enable the Trustees and Members of Zion Church in Montreal, to alienate and hypothecate certain property of the said Church, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Resolved, That a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Hinks, the Honorable Mr. Young, Mr. Mattice, Mr. Stevenson, Mr.

(177)

Cartier, Mr. Ferrie, Mr. Ferres, and Mr. James Ross, be appointed to inquire into the present state of the Commercial Intercourse between Canada and Great Britain,

the British North American Possessions, the West India Colonies, the United States, and other Foreign Countries, to report thereon from time to time; with power to send for persons, papers, and records.

The Honorable Mr. Merritt reported from the General Committee of Elections, That they had selected the following days for the appointment of the Select Committees to try the matter of the Petitions complaining of undue Elections and Returns for the following places:--

County of Lotbinière,--On Saturday, the 21st day of October instant, at 10 o'clock in the forenoon, from Panel No. 1.

County of Brant (East Riding),--On Saturday, the 21st day of October instant, at 11 o'clock in the forenoon, from Panel No. 1.

City of Quebec,--On Saturday, the 21st day of October instant, at 12 o'clock, noon, from Panel No. 1.

County of Megantic,--on Saturday, the 28th day of October instant, at 10 o'clock in the forenoon, from Panel No. 2.

On motion of Mr. Fortier, seconded by Mr. Thibaudeau,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to authorize the immediate payment of the annual appropriations granted to the Educational and Benevolent Institutions for the current year, as borne upon the Estimates of the past year.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That an humble Address be presented to His Excellency the Governor General, for a Statement shewing the amount of expenses incurred during the last Elections in Upper and Lower Canada.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Taché have leave to bring in a Bill to regulate the Pilotage for and below the Port of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Sur motion de MR. BELLINGHAM,¹

(177)

Ordered, That it be an Instruction to the Standing Committee on Railroads, Canals, and Telegraph Lines, to inquire into the expediency of establishing a branch Telegraph within the precincts of the Parliament House, connecting with the Office of the British North American Telegraph Association.

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Chauveau, and the Question being proposed, That a Call of the House be made on Friday the twenty-seventh day of October instant;²

MR. J.S. MACDONALD, of Glengarry, complained of the delay in introducing the Clergy Reserves Bill. It had been announced, some time ago, that the bill was printed and it was promised to be introduced last Tuesday, when the hon. Attorney General East would be back from Washington. Yet the bill was still withheld. It had been said that there was no difference of opinion on any of the measures to be introduced by the Government; and yet it was now said that Ministers desired to wait the arrival of the Postmaster General, in order to give an

opportunity to discuss the details. The alterations which (sic) the details might alter the principle altogether. It had been said that the new Ministry had adopted all the measures of the late administration; and the late Inspector General had announced that there was no difference of opinion about the acceptance of these measures. He (Mr. M.) read from the Leader, the announcement of Mr. Morin of the order in which the measures would be introduced; and this, he contended, showed that the measures had been agreed upon several weeks ago. The hon. member for West Northumberland (Mr. Smith) in his speech on the address had said that the gallant knight from Hamilton had come over to the Reformers--they had not gone over to him--and adopted all their measures.³

A voice.--that's all right.⁴

MR. J.S. MACDONALD [continued:] Members or (sic) the Opposition side of the House had a right to feel suspicious that only one of the promised measures had been introduced. There must be some difficulty behind the scenes.⁵

No.--from members of the administration.⁶

MR. J.S. MACDONALD [continued:] The Clergy Reserves Bill was not to be introduced till next Tuesday; and no one knew when it would be read a second time.⁷

(177)

The Honorable John Sandfield Macdonald moved in amendment to the Question, seconded by Mr. Antoine Aimé Dorion, That all the words after "That" to the end of the Question be left out, in order to add the words "inasmuch as this House has been informed by the Administration of their intention to present to the consideration of this House, the measures relating to the Clergy Reserves, the Seig-

(178)

niorial Tenure, and the Constitution of the Legislative Council, in the order named, it is inexpedient to depart from the course of procedure already indicated with regard to those measures, by giving priority to the discussion of the last measure, before this House shall have sati[s]fied the Country by an unequivocal expression of its intentions and policy on the important questions of the Clergy Reserves and the Seigniorial Tenure;"

MR. PRES. EX. COUN. MACNAB said that the hon. member for Glengary appeared to place very small reliance upon the promises of public men. This country and the hon. member for Glengary had been told that the present Administration had been formed upon the basis of the secularization of the Clergy Reserves.⁸ He found the voice of the Country in favor of Secularization; and the same opinions were entertained by two-thirds of the members of this House. Could the hon. member (Mr. Macdonald) explain how it was that his party had not settled the question, during the last 20 years that they had used it as a subject of agitation. He (Sir Allan) was not afraid to take the responsibility of the course he had adopted. The hon. gentleman who now accused him of going over to the Reformers, used to be a supporter of his (Sir Allan) when he was a much stronger Tory than now. (Laughter.)⁹

MR. J.S. MACDONALD cria: écoutez! écoutez!¹⁰

MR. PRES. EX. COUN. MACNAB [continued:] The hon. gentleman went over to the other party, tempted by the bait of a colonelcy of militia,¹¹ (Hear, hear.)¹² and annoyed by a little difficulty that arose out of some town lots in Cornwall.¹³ That hon. gentleman changed his position too without giving any great reason for it, except that the Conservative party had not paid him sufficient attention. That

was the reason that he gave for deserting his colours. The reason that he (Sir Allan) had given for supporting the Clergy Reserve Bill was, that nearly three-fourths of the House of Assembly supported it, and appeals had been made over and over again to the people of the country, and they had given a verdict which showed that they wished the Government to be carried on according to the best interests of the country. (Hear, hear.) They had been in their places in the House four or five days, and until they had come to the House that day, they had been engaged upon the Bill for the secularization of the Clergy Reserves. (Hear, hear.) And he would ask hon. members of the House if it did not become those who had seen that Bill and agreed to it, that their colleague should have an opportunity of reading it before it came into the House. The hon. gentleman was told that this Bill would be introduced on Tuesday next, and he would now tell this House that the Administration were ready to go into the second reading of the Bill as fast as they could, and they desired so to introduce it that it should receive the sanction of as large a majority of the House as possible, and the hon. gentleman might throw as many obstacles in the way as he liked. He would then ask that hon. member how long had his friends been settling this question? About fifteen or twenty years they had had a majority, and why did not they secularize the Clergy Reserves?¹⁴

MR. MCDONALD wanted to know whose fault that was.¹⁵

MR. PRES. EX. COUN. MACNAB.--It was the hon. member for G's. fault. He imagined now that he exercised a very large influence in that House, if so, why did not the hon. member introduce the measure in question. He (Sir A.) would ask the House whether it was unreasonable that the Administration should have a few days to consult with their colleagues in order to understand themselves? The Bill was ready to come down, and he thought that when it made its appearance a large majority of the House would approve of it, and were they now to be censured, when it appeared that certain members had scarcely had time to get into the Council Chamber to read it. Had not his (Sir A.'s) learned friend on his right stated that the very basis of this Administration is the secularization of the Clergy Reserves which measure they were prepared to introduce.¹⁶

MR. J.S. MACDONALD, Glengarry.--The honorable member for Chicoutimi had stated that the Bill would be introduced a week ago, only that Mr. Drummond had gone to Washington.¹⁷

MR. PRES. EX. COUN. MACNAB.--Well suppose that to be true, was it anything unreasonable that they should require four or five day's (sic) delay. Had the honorable member not been told, that on Tuesday next it would be introduced. In regard to the Seignorial Tenure Bill, the Attorney General Drummond had been absent at Washington, and only took his seat yesterday, but every exertion was being made to introduce these measures, and to carry them through at as early a period as possible, and he (Sir Allan) did not believe that the honorable member for Glengarry had a doubt in his mind about it, but he only desired to make a display of trumpeting, so that it might be read in Glengarry and elsewhere that he had taken this step to shew that the Administration were not prepared to fulfil their promises, and that it was necessary for the honorable member for Glengarry to push them forward, but he would find that there was no necessity for it. They did not require twenty years to carry this Clergy Reserves Bill through this House, and he might depend upon it, that the Bill would pass during the present session of Parliament.¹⁸

MR. MURNEY regretted that this conversation should have taken place until the proper time arrived, but as it had, he should not shrink from that responsibility

which it was due to himself and others that he should take in this particular part of the question. And what was the more to be regretted was this, that personalities had been liberally dispensed and it had been charged in effect that coats had been changed, but when any honorable member in that House got up and accused another of changing his coat for a Colonelcy of Militia, it meant he (Mr. M.) thought, a changing of office, principle, speeches, votes and everything else. Now it was very hard to attack one person for changing his coat without looking to see what others had done. What were the present Administration doing, the Tory portion of it. Changing votes he did not call it, for he was sorry to say, that it was a change of a fixed principle, and not only that, but a change of all that which should be dear to both private and public characters. (Hear, hear) Those were his feelings upon the subject; he felt deeply and would tell the members of the Administration that the language here used by some honorable members would recoil with double force upon those who gave expression to it. Now, to commence with the Premier's speech, in which he asserted that the Government had been formed upon the basis of the secularization of the Clergy Reserves, and upon likewise the basis and principle that the majority of the people of Canada were in favor of it, would the Premier (of whom God knew, no man entertained a higher opinion than he (Mr. M.) always had, for from him he had always received personal as well as political kindness, and therefore felt towards him great affection,) ... tell him if he was wrong in this statement. When this great question was a source of agitation in Upper Canada, as it has been for many years past, and when a majority of the Representatives entertained an opinion in favor of secularization, it was battled and contended against by the Premier, session after session, and always defeated in the Legislative Council, a body which was then a deliberative one, and worthy of consideration, and a great deal of principle was to be sacrificed to mere popular clamour, a clamour rational probably in its character. But he (Mr. M.) could not go with that. He hoped that the honorable the Premier would not be offended with him if he questioned a certain portion of a public Address which he had seen published as an Address by him to the Electors of Hamilton, and which gave him (Mr. M.) great pain. A meeting then took place which was told to him (Mr. M.) to be of a strictly confidential character, not so much upon the mere question of the Clergy Reserves as upon the results of the then coming elections, but when the Clergy Reserves came up as a mere topic, upon the remark of a gentleman present, that he feared that he had no right there as he differed materially with the great majority of the Conservative party, upon one of the great questions of the day, namely, the Clergy Reserves question when it was then understood that if they all agreed upon other questions, that a member differing with them as a party, should not be refused our Committee Rooms. That was the only point of difference. Now, if the address of the hon. and gallant knight to his constituents had stopped there, every gentleman would have understood it, but it went one step further and said "It was resolved that if a majority was returned in favor of secularization, that they (Mr. M's. party) as Conservative, would join in that as to the Secularization, because it would be unstatesmanlike any longer to oppose it." He (Mr. M.) never so understood it, or if he had he would have been bound to leave that room, and he would never have pledged himself to it, and if after such a resolution as that, he had remained in that room, he should have felt himself bound to come forward now and sustain secularization, and sustain the principles of those Churches interested in this question, and at that very moment, these Reserves might be the absolute property of those now enjoying it. But he would now state (although he stood alone in doing so) that there never was such a resolution, or any conversation or understanding to the effect

attributed, within his hearing. He could not say how much he did regret being compelled to make this statement, because when he read that very address, he felt that he was compromised as one of the great party to which he did then, and now protested to belong--the Conservatives; but he never would adopt the principle, that although the great Conservative party have vanished, that they had become in the language of a conspicuous man of this day "professional anarchists, constitutionalists, and corruptionists." Such language was used in Kingston,¹⁹ [par] le membre pour Kingston à ses constituants²⁰, but he must confess, that he could not understand it. The question had been asked "why did they not thus settle the question"? The Premier would not allow them, but he might have now done so, and in a manner sustaining their high honor, and they could have allowed the Inspector General to have come down with his genius and talents, and settled the matter. But he (Mr. M.) would deny emphatically that this was the basis of this ministerial combination. He would declare that every principle here which was Conservative, had been surrendered. To whom had Hon. members then surrendered their Conservatism? To "democratic" influence (Hear, hear.) What had been the Attorney General East's expression in a declaration he recently made? That the tories were "proselytes," and used that word within the hearing of every gentleman throughout his speech. He did now say that they had conciliated, but on the contrary, that they had not yielded a point.²¹ The conservative members had yielded much more. They had yielded on the Legislation (sic) Council question--consented to make that House elective. They had yielded this question to the influence of popular clamor.²²

Hear, hear from members of the government.²³

MR. MURNEY [continued:] But he would deny that the two questions that he had alluded to were made the basis of formation of the present administration. There was a great question mooted in Upper and Lower Canada, namely, that of the Landlord and Tenant, and the administration were going to settle it by charging Upper Canada with part of the expense of the commutation of the Tenure of Lower Canada--they were giving Upper Canada the go-bye and Lower Canada the benefit. That formed another part of their policy, and he thought that His hon. friend for Glengarry had been a little premature in this matter, without giving the administration the opportunity of stating, the terms upon which they meant to go thereafter to the country, and the terms upon which they had now agreed to go on. But he (Mr. M.) was anxious to hear from the administration the avowal of their policy in the matter, for it very much depended upon that how long he (Mr. M.) would remain on that side of the House. He begged to state that he was independent, but he took this opportunity of publicly disclaiming the terms: the unhloy (sic) and discordant terms of the present combination. There were his best friends at this moment, retaining office at the mere whim of those to whom they had been opposed all their lives.²⁴

MR. SOL. GEN. H. SMITH.--No.²⁵

MR. MURNEY.--Yes--he would again assert--and they had taken offices with those to whom they had sacrificed their feelings.--Ah! he witnessed it with pain, so much so, that he scarcely thought he could have addressed them. He must say that they stood in a very false position.²⁶

MR. AT. GEN. J.A. MACDONALD (Kingston) quite agreed with the Hon. gentleman who had just spoken that the motion in the Hon. member's hands opposite, was quite premature. It was due from every opposition, that they should however give a fair opportunity to those to whom they are opposed to explain their views and the course which they intend to take. And yet he (Mr. M.) was surprised that

when the hon. member for Hastings saw the moat (sic) in his neighbor's eye, that he failed to discover the beam in his own. Now all that the Government asked for was a delay of a few days until the return of the Hon. Post Master General. That was surely not unreasonable, seeing that this ministry was composed of elements brought together as it were from all parts of the political horizon, and under those circumstances, was it too much to ask that they should consult together before they brought down the Clergy Reserves Bill?²⁷

MR. J.S. MACDONALD (Glengary).--If this motion had not been forced upon the House he would not have made these observations.²⁸

MR. AT. GEN. J.A. MACDONALD (Kingston) did not understand that to be an explanation at all. He had been alluding to the unhappy language used by the hon. member for Hastings. He charged the Hon. member for Glengary with precipitately bringing forward his motion before explanations were given by the administration, and yet before the Hon. member for H., had the opportunity of hearing one single word from the hon. member for Glengary or any of his followers in the House, or before then waited for the Hon. Post Master General, (a person connected in political principle with the Reform party, and that section of it which seeks to hold office) to explain their general course that they intend to take upon the several measures which had been announced as forming the basis of the coalition; he had got up and opposed them in everything, and had not even given to his dear friend, any credit for truth or principle in the course that he has adopted.--²⁹ Was this the conduct of a generous man? It was rather the conduct of one who had rankling in his bosom something which he ecartdne (sic) to disclose.³⁰ Was that the course of an old and tried friend? Did not he say that he owed everything to the honorable and gallant Knight and that he had fought in the same ranks with him, and during his whole life that he had never seen a deviation from principle in him; and now was this the act of a friend? God save him from such friends. Was it not the act of a man who has got something rankling in his bosom, which he does not choose to expose? (Hear, hear, vehemently.) Ah; it showed not only a laxity in principle, but it was making a violent assault upon the honorable and gallant knight's veracity. He (Mr. M.) had nothing to say against the veracity either, of the honorable member for Hastings but he would say this, that the character of his honorable friend before him was at any rate equal to the honorable member for H.'s; and if he acquired only the number of years that the honorable and gallant knight had, and was held so high in the estimation of the country, he then might be indeed proud. (Hear, hear.) The hon. member for H. had said that he read with surprise the address of the honorable and gallant knight to his constituents; and he then says that he hopes that the honorable gentleman, whose veracity could not be impugned, would not be offended if he the Hon. member for H. said, that what the gallant knight stated in his address was untrue. (Hear, hear.) Now what he said in it was precisely what took place.³¹

MR. MURNEY would like to know if the hon. gentleman was there himself.³²

MR. AT. GEN. J.A. MACDONALD said he was, and could vouch for the truth of it to the very word. He (Mr. M.) did not doubt the hon. member for H.'s veracity, but he had lost all confidence in his recollection--prejudice had warped his mind, or else he would know that every single word in that address was true, and so clear that the hon. gentleman has said the meeting spoken of in that Address was a confidential meeting, and so far was it a confidential meeting that the editors of the Conservative papers were asked to attend there, and several did. They could not disguise from themselves that the Clergy Reserves question

was the most necessary for the present Session, and that a large, increasing portion of those who had formerly served with the Conservative party had given in their adhesion to the secularization of the Clergy Reserves, and they thought that the public had made up their mind to that effect, and that it would be better to give up opposition to that; that it was only keeping up a hobby horse for every demagogue to make use of who wished to run into power, and that it would answer no purpose but to keep up that bad will which once produced actual bloodshed and war; and the very principle that induced the Duke of Wellington to grant the Catholic Emancipation Bill for fear of a revolution in England, was the very reason which had induced him (Mr. M.) and the hon. and gallant knight to yield to this measure? They might prevent some things, but could not stop that measure. Do what they like, and what they could, but they could not prevent the measure becoming law. Their opposition, therefore, would only be productive of harm instead of good.--They had therefore come to this conclusion, and he thought that men who take an enlarged view of the political sphere, and did not look through just the same key-hole of party purposes as he and his friends, yet would agree that they were right to surrender their opinions for the good of the country; or, in other words, to sacrifice themselves for the sake of the public weal and peace. But, in order that it should be an open question among them, and that no man should be considered to be less a Conservative because he was in favor of the secularization of the Clergy Reserves, these sentiments were to be promulgated immediately as being their principles: but the gallant knight had gone further. He had said that not only should it be an open question, but he was to have told the people of Hamilton that if the popular feeling was not in favour of maintaining the Reserves, that the Conservative party would no longer struggle to uphold them. When the Parliament sat in Montreal, and a Committee of the House sat upon this question, he (Mr. M.) was Chairman and the Hon. Mr. Baldwin and Mr. Price were members, they agreed to a Report which declared that the Act of 1840 should be considered final on the matter. That did not prevent those gentlemen afterwards yielding to the pressure of the country. His hon. and gallant friend also stated, that whilst he should go to his constituents and state that he was desirous to retain that act without violation, and hoped that the Conservative party would stand to carry that out upon this very great question which was about to be decided by the people, which has been before them for years, that if they gave their deliberate judgment, and if the voice of the Provinces was unequivocally expressed in favor of secularization, that in his own language, "it would no longer be wise or statesmanlike to resist the verdict of the country, but bow to that as being final." The hon. and gallant knight stated that--and it was understood among them--they should hold back their addresses until he (Sir A.) came out with his³³ in order, that, on this subject of the reserves, they should act with as much concert as possible.³⁴ The hon. member for Brockville was present also.³⁵ Illness prevented the gallant knight from issuing his address till the last day of the election.³⁶ This explanation might be called in that House a mere formal affair, but he merely mentioned the circumstance as he thought that he was bound to do so, because the veracity of the hon. and gallant knight had been called into question by his dearest friend. If the Administration for the time being were as great scoundrels as the hon. member for Hastings evidently, by his motion intimated them to be, this country would not allow them to be so. It had been announced clearly and distinctly that the basis upon which this Administration was framed was one that would carry out the secularization of the Clergy Reserves, purely, simply, and without conditions (hear, hear.) Those conditions being forced upon them by the restrictions and reservations of the

Imperial Act. It was also agreed that the relief of the censitaire from the burden the Seigneur imposed upon him, should be another principle of this coalition ministry, and that the elective principle should be introduced into the upper House.³⁷ As to carrying all the measures without any alteration of details, he did not promise to do that; indeed so universal was the practice of amending measures during their passage through Parliaments, that scarcely any important measure had been passed without amendment since the Catholic Emancipation and Reform Bills were carried. He defended the delay in introducing the measures, on the grounds previously stated.³⁸ And the moment that these principles were settled they had gone to their constituents to ask for a renewal of their confidence--and the country knew the result. The hon. gentleman made a few further observations.³⁹

MR. MURNEY ... said that as a minister of the Crown, it would have been far more dignified for him (Mr. McD. of Kingston) to have taken his seat declaring, merely, that the time had not arrived for ministerial explanations but instead of doing so, the hon. member finds fault with the hon. member for Glengary and himself (Mr. Murney) for anticipating that the error would be committed which the hon. member for Kingston had fallen into, in as much as he had given hon. members on his (Mr. Murney's) side, an explanation of what the true policy of the present administration was, as well as the circumstances that induced them to take office, alluding to the meeting called into question. He (Mr. Murney) wished that he had no recollection of them, but he (Mr. M.) did not fear contradiction, as he had taken several members to the file, and each one of them had declared with him (Mr. M.) that the premier had gone far beyond the understanding at, or the resolution of the meeting: so much as to the question of veracity. He (Mr. M.) would now call upon hon. gentlemen present who heard the conversation at that meeting. Did not the hon. premier agree to publish a manifesto as a guide to Conservative candidates, and were not the leaders of the party, connected with the Upper Canadian press invited to be present--and for what purpose? That a manifesto might be agreed upon.⁴⁰ But it never appeared; and he understood that the portion of it which related to the Clergy Reserves was to be of a different character from what the Attorney General (Mr. Macdonald) had indicated. Only a few hours were spent in the formation of the cabinet; and the Conservative portion of it swallowed all the measures of the late government, whole, one after another.⁴¹

MR. SHAW.--The Clergy Reserves was to be an open question, and nothing else was agreed upon.⁴²

MR. CRAWFORD was present at the caucus in question. The object was to arrange for the coming elections. It was clearly understood that the Clergy Reserves should be an open question among Conservative candidates, and the question of opposing secularization was discussed, an understanding being come to that if public opinion should prove to be strongly opposed to the maintenance of the Reserves, no further strong attempt should be made to maintain them.⁴³ There was nothing else agreed upon.⁴⁴

MR. PRES. EX. COUN. MACNAB said it was quite true that he had opposed secularization for twenty-five years; and every year, when the question got up, their party got less and less. He had been in favor of maintaining the act of 1840; but when the question was brought back to this country and the legislation must be had; on the approach of the general election, he had a meeting with his friends, at which it was agreed that if the result of the election were to condemn the maintenance of the reserves, the Conservatives should no longer continue their

opposition. It was agreed that he (Sir Allan) should insert in his address a paragraph to this effect; and he was prevented by sickness. There were, at that meeting, four or five of their friends who resolved to vote against secularization in any event; and they would do so still. There were only fifteen or sixteen members in the House who would vote against secularization. At his (Sir Allan's) election, a gentleman came to him and offered that if he would pledge himself to vote for secularization, all opposition to him should be withdrawn. He refused at once; saying that he would await the results of the elections to see what public opinion was; and he would then make his decision. He had done as he then promised; for, seeing so large a majority in favor of secularization, he thought it ought to be carried; and he was resolved to use his influence to secure that object.⁴⁵

MR. LANGTON confirmed what had been said by other speakers about the conservative caucus agreeing to make secularization an open question at the elections. As he understood the matter, the present administration was pledged to the principles, not to all the details of the measures of the late administration.⁴⁶ [He] took the address and argued inferentially from it--but finally agreed with Messrs. Murney and Shaw.⁴⁷

MR. J.S. MACDONALD, of Glengary, said he understood, from the speech of the late Inspector General, that the new ministry were to take all the measures of the late administration just as they were.⁴⁸

MR. LANGTON hoped that any administration would have had more wisdom than to adhere obstinately to all the details (sic) of any measures. He doubted whether the late administration, if they had remained in power, would have introduced the measure now in precisely the same shape that it was in June last.⁴⁹

MR. HINCKS ... Hear, hear. [He] never for one moment understood that the new ministry were tied down to all the details of the measures of the late ministry. What he understood was that they were to carry out the principles of those measures. It was most extraordinary that the member for Glengary and others who were opposed to the Clergy Reserves bill of the late ministry should now object to the possibility of a somewhat different Bill being introduced. If even the late ministry would probably have made changes in the Clergy Reserve bill, could that right be denied to their successors. He perfectly understood the object of the motion; but never did an attempt more signally (sic) fail; for the effect had been to draw from ministers declarations that were perfectly satisfactory to a large majority of the House. He then referred to the taunts frequently thrown out as to the position of parties in the House and the government. The conservatives were taunted with going over to Reformers, and Reformers were taunted with having allied themselves with the Conservatives. The coalition originated in one of those necessities which are liable to occur, and which at times do occur in all countries. He then read an extract from the explanation of Lord Aberdeen on the formation of the present Imperial administration; remarking that the elements of that administration were far more discordant than those of the cabinet lately formed here. At the time of the formation of the government, he (Mr. H.) was taunted with taking a position which the hon. Mr. Baldwin would disapprove.⁵⁰ He had in his possession a letter received from that gentleman.⁵¹

MR. A. DORION, of Montreal, would like to hear the letter inviting the expression of Mr. Baldwin's opinion read.⁵²

MR. HINCKS would gladly have read it but he kept no copy. Mr. Baldwin was in possession of all his explanations; and it was not to be supposed he (Mr. H.) would presume to give him a different relation of the facts from what he had given elsewhere.⁵³

MR. A. DORION did not intend to accuse the hon. gentleman of being capable of giving an inaccurate relation of the facts; but he might have expressed such opinion as would influence the opinion of Mr. Baldwin.⁵⁴

MR. HINCKS proceeded. He had an opportunity of ascertaining that hon. gentleman's opinion on the subject; and he would read an extract from a letter from that gentleman. It would be recollected that the writer was entirely disinterested, was out of public life, and not in a position to seek or receive favors from any one. He then concluded by reading the following extract:

SPADINA, 22nd Sept, 1854.

MY DEAR SIR,--It is not easy for persons to satisfy themselves fully as to what they would themselves have done under a given combination of circumstances in which they have not been placed, and certainly in no department of human affairs is this more true than in politics. The materials with which one has to deal are so various, the prejudices to a counter often so violent, (and not unfrequently unjust in proportion to their violence) that the public man who boldly affirms in a spirit of condemnation that had he been in the position of another he would have done one thing and not have done another, must be either deficient in experience or in judgment, or reckless of assertion. If therefore by its being "on all sides said that I never would consent to a coalition" it is meant in that way to draw a contrast between us to your prejudice; all I can say is, that those who undertake thus to speak for me, undertake to do so far more positively than I could presume to do myself. For however disinclined myself to adventure upon such combinations, they are unquestionably, in my opinion, under certain circumstances, not only justifiable but expedient, and even necessary. The government of the country must be carried on. It ought to be carried on with vigor. If that can be done in no other way than by mutual concessions and a coalition of parties, they become necessary. And those who under such circumstances assume the arduous duty of becoming parties to them, so far from deserving the opprobrium that it too frequently and often too successfully heaped upon them, have, in my opinion, the strongest claims upon public sympathy and support. You have expressed yourself "most anxious for my opinion:" I feel therefore that I should fail in doing by you what under similar circumstance I should expect from you, were I to omit applying the foregoing remarks to the particular transaction which has given occasion to them; with respect to which then I add, without reserve, that in my opinion you appear to have acted in this matter with judgment and discretion, and in the interest, at once, of your party and your country.

Believe me to be,

My Dear Sir,

Yours truly,

ROBERT BALDWIN.

Hon. Francis Hincks, M.P.P.⁵⁵

MR. MERRITT said the extract was susceptible of a clear explanation. Mr. Baldwin had only justified a coalition, in case no other government was possible. He then proceeded to denounce responsible government; saying that the theory of Mr. Baldwin, that the country should be governed according to the well understood wishes of the people, was not realised.⁵⁶

A question of order here arose, it being objected that the motion of amendment contained a preamble, and could not therefore, under the rules of the House, be put.⁵⁷

MR. SICOTTE the SPEAKER decided that the motion did not contain a preamble, but that it would be better to strike out the word "whereas."⁵⁸

MR. MERRITT continued. The majority in the House was not a representation of the majority of the country. The effect of the coalition would be to open the eyes of the country to the defects of our governmental system; and lead to the adoption of a different kind of government, under which there would be a much better means of expressing opinion than at present. He proceeded to censure the government for not bringing down their measures.⁵⁹

MR. HINCKS asked if the hon. gentleman (Mr. Merritt) desired the measure, to show his own consistency, as he had always been opposed to the Reserves Bill?⁶⁰

MR. MERRITT said that since 1831, he had been in favor of giving the whole of the Clergy Reserves to religion--he repeated it to religion, and he now wanted them for education.⁶¹

MR. MACKENZIE said that when he came to this country he was strongly in favor of Church and State; and he subsequently changed his opinion. He did not condemn the gallant Knight for Hamilton and his conservatives for changing their opinions on the Reserves; but he wanted some proof of their sincerity.⁶² L'ex-ministère a fait beaucoup de bonnes choses, quoiqu'il n'ait pas toujours approuvé sa conduite⁶³. He then eulogized the late Government for the many good things they had done--naming the Representation Act, Reciprocity and several others; and saying that they had done as much while in office as the present Premier's party would do in a century. The merit of the Reciprocity Treaty belonged to Lord Elgin and the member for Renfrew (Mr. Hincks.) The present ministry had promised the Reserves measure five weeks ago; but it had not yet appeared. He declared his want of confidence in the ministry; but said he would be ready to acknowledge that his distrusts were unfounded if he saw them proceed vigorously with the promised measure, which would send very much to tranquilize the country.⁶⁴

MR. LEMIEUX considère ceux qui font la motion devant la Chambre comme les personnes qui s'opposent réellement aux mesures qu'elles prétendent désirer. Quant à la motion principale, ce n'est que pour appeler tous les membres à leurs sièges, et il pense qu'ils doivent être à leurs sièges avant qu'on commence les grandes mesures dont il s'agit. L'ordre dans lequel on amènera ces mesures devant la Chambre n'a aucune importance.⁶⁵

MR. COM. CR. LANDS MORIN comprend que les membres de l'autre côté veulent bien emporter leur amendement, car c'est un procédé du parti. Mais il n'a rien entendu qui puisse lui faire croire que cet amendement soit avantageux. La motion devant la Chambre est pour un appel nominal, et quand tous les membres se trouveront réunis, il sera libre à eux de s'occuper des mesures dans l'ordre que bon leur semblera.⁶⁶ What would there be to prevent the consideration of the Clergy Reserves question on the day on which he wished to have a call of the House? The declarations of his colleagues, during the debate, he was sure would give satisfaction to the House and the country.⁶⁷ Quant à la sincérité du gouvernement, il croit que réellement les membres de l'opposition ne la suspectent pas, quoiqu'ils en disent.⁶⁸ The hon. member for Glengary had no grounds for doubting the sincerity of the ministry; and he did not believe that he really felt any such distrust.⁶⁹ Il est vrai qu'il y a encore des détails à arranger, mais on est entière-

ment d'accord sur les grands principes. Il remercie le membre pour Haldimand de ce qu'il a dit des bonnes choses faites par le dernier ministère, mais il se rappelle qu'on avait dit précisément les mêmes choses de ce ministère que celles qu'on dit aujourd'hui du ministère actuel. Ainsi il se console du blâme qu'on jette sur ses collègues et sur lui-même.⁷⁰ In reply to the objection that the order of bringing forward the measures of the government as announced by himself had been departed from, he said it so happened that the Legislative Council bill was ready first, and as he wished to meet the wishes of the House, as far as possible, he brought it forward. There was no intention to put it ahead of the Clergy Reserves bill. The Seigniorial Tenure Bill would also be introduced on Tuesday.⁷¹

MR. HINCKS desired to correct what must have been a misapprehension of the hon. members for Lincoln and Haldimand as to the purport of Mr. Baldwin's letter. They seemed to be of opinion that Mr. Baldwin had justified coalitions only when no other government was possible; but they forgot that he said at the conclusion of the letter: "You have expressed yourself most anxious for my opinion. I feel, therefore, that I should fail in doing by you what, under similar circumstances, I should expect from you, were I to omit applying the foregoing remarks to the particular transaction which has given occasion to them; with respect to which, then, I add, without reserve, that, in my opinion, you appear to have acted in the matter with judgment and discretion and in the interest at once of your party and your country."⁷²

MR. CAUCHON opposed the amendment and could not understand Mr. Merritt's ideas of responsible government. It was ridiculous to contend that a large majority of the representatives of the people was the government of a minority. The amendment was frivolous. The government should have a fair trial, as it was the custom in England to give all governments. The public opinion of Canada would say that this opposition was factious.⁷³ [Il] ne croit pas que les attaques répétées sur le gouvernement soient le moyen de faire marcher la législation du pays. On a déjà assez discuté la politique de la coalition, et ce qu'on a à faire aujourd'hui, c'est d'en discuter les mesures.⁷⁴ He believed the resolution of amendment had a preamble, but he would bow to the decision of the Speaker. The Clergy Reserves question must be settled and so must the Seigniorial Tenure, and the House ought to wait to see the promised bills of the government.⁷⁵ Le gouvernement responsable n'est rien autre chose que le gouvernement de la majorité, et quant à cette majorité, il importe bien peu de quels éléments elle est formée. S'il y a des membres qui croient dans leurs consciences que la coalition est nécessaire, il est de leur devoir de l'appuyer, et la meilleure preuve que leur opinion est juste, c'est que le pays s'est prononcé fortement en sa faveur. Le membre pour Haldimand, certes, a beau de se moquer des diversités d'opinions entre ses adversaires, car son propre parti est parfaitement libre de ce mal, vu qu'il ne consiste que de lui seul. Pourtant il y a quelquefois division dans son parti, car ce monsieur diffère parfois d'avec lui-même.⁷⁶

MR. GALT thought the motion was one that ought to receive the support of the friends of the secularization of the Reserves and the abolition of the Seigniorial Tenure.⁷⁷ L'essai qu'a fait l'opposition de faire garder au gouvernement l'ordre des mesures qu'il a indiqué pour lui-même, sera approuvé par le pays, du moins par tous ceux qui veulent la passation des projets de loi dont il s'agit. Il est temps qu'on sache quels seront les détails de ces bills tant vantés, car c'est de ces détails qu'on doit juger si le ministère est sincère dans la profession du désir de régler les Réserves du Clergé et la Tenure Seigneuriale d'une

manière agréable au peuple.⁷⁸ He thought there was great risk of the measures being lost unless they were brought down in the order promised some weeks ago by the ministry.⁷⁹ Il n'est pas bien facile de croire que le bill pour la réforme du Conseil Législatif sera passé avec autant d'unanimité que celui qui a rapport aux Réserves, ou à la Tenure. Comment les membres de la Chambre voteraient-ils sur le Conseil Législatif, si les Réserves du Clergé se trouvent cachées par lui, sans le règlement desquelles aucun membre ne voudrait retourner à ses constituants. Ils n'ont donc pas le droit de demander la votation sur cette seule question avant que de déployer leurs autres plans. Dans le cas d'une défaite sur le bill pour réformer le Conseil Législatif, quelle sera leur position. Ils devront résigner ou autrement dissoudre la Chambre de suite; et comme il n'est pas bien probable qu'ils résigneraient, il faut penser à une nouvelle élection, et il est bien permis de douter si les amis du membre pour Hamilton professeraient les mêmes intentions qu'ils professent aujourd'hui. Il y a bonne raison d'en douter, parce que dans la dernière session, ces messieurs disaient qu'ils n'accepteraient aucun arrangement des Réserves du Clergé, à moins que la nouvelle loi de franchise ne fût mise en opération. Maintenant, si le ministre en chef croyait que le jugement du pays, volant sous la nouvelle loi serait prononcé contre tous ses propres principes, il ne lui serait probablement pas trop difficile de l'accepter quand il lui serait favorable.⁸⁰ He could not suppose that as the gallant and honorable knight had consented to waive his principles to cross over the House, he would not resume them again if that would prevent him from re-crossing. (laughter.) He thought, therefore, there was the very greatest danger in departing from the order which he asserted was announced from the treasury benches. The honorable and gallant knight had not said that he had changed his opinions; and while three-fourths of the House were in favor of secularization, he did not see the necessity of asking the assistance of those who opposed the principle to carry a secularization bill.⁸¹ La responsabilité de perdre cette mesure et les autres dont il s'agit, si elles sont perdues, pèsera sur le gouvernement qui a changé l'ordre des mesures, et ensuite sur les membres du parti libéral qui l'appuient. On pense peut-être qu'une défaite n'est pas un événement très probable; mais si cet événement arrive, que dira l'hon. membre pour Renfrew de sa conduite. Le chevalier à la tête de l'administration dit bien qu'il accepte le jugement du pays; mais il ne dit pas qu'il va argumenter contre ses anciennes convictions, et dans le cas supposé, messieurs les libéraux se trouveront dans une position fort extraordinaire vis-à-vis de lui.

Il lui semble que quelques-uns des allégués du chevalier et du membre pour Kingston ne s'accordent pas. Par exemple le chevalier dit qu'il n'a été donné qu'un tems très court au ministère, et que le Conseil s'est occupé des bills dont il s'agit presque sans relâche; mais il dit aussi que quelques-uns de ses collègues ne savent pas ce que ces bills contiennent.⁸² What faith could they put in the promises of the ministry when the honorable and gallant knight told them that evening that the Postmaster General had never seen the Clergy Reserves bill, when they were told by the honorable Commissioner of Crown Lands, five weeks ago, that all the ministers had agreed on that and all other great measures--in short that there was no difference among them.⁸³

MR. PRES. EX. COUN. MACNAB denied that he had made such a statement.⁸⁴ He had said that the Postmaster General had not been present at the meetings of the Council at which the Clergy Reserves Bill was considered.⁸⁵

MR. GALT must beg his pardon for he had distinctly heard him and written the words down but if the honorable and gallant knight chose to take them back, he (Mr. G.) could have, of course, no objection.⁸⁶

MR. PRES. EX. COUN. MACNAB said all his colleagues and he had agreed on the principle of secularization, but he desired his honorable friend, Mr. Spence, to see the details of the bill before it was introduced.⁸⁷

MR. GALT.--Fort bien. Ses collègues connaissent donc les dispositions de ces bills. Alors quelle raison peut-il y avoir pour ne pas les communiquer à la Chambre? Premièrement on a allégué comme excuse que le Procureur-Général était à Washington, mais on n'a pas dit qu'il ne connaissait pas les bills. Aujourd'hui on dit que M. Spence est absent; mais il est très certain que ce monsieur approuvera le bill quand il reviendra, et on ne doit pas penser qu'il sera capable de former son opinion dans une seule matinée. Ces déclarations du chevalier ne s'accordent point, et ne cadrent ni avec celles qu'a faites le membre pour Chicoutimi, ni avec le sens commun de la Chambre, qui a attendu, sans doute, que tous ces bills eussent l'approbation bien arrêtée de tous les ministres, avant qu'il[s] fussent annoncés par le membre de Chicoutimi.⁸⁸ If the ministry had not agreed upon the details of the bill, why did they not say so at first? Why tell them the bill was all ready and promise to introduce it while all the Upper Canada ministers were away, if they had not agreed upon it? Why not have asked for so reasonable a thing as an adjournment? No objection could have been made to that. It was, he believed, a customary course in England. The ministry were either agreed or not agreed on the Clergy Reserves bill. If they were not agreed they should say so. If they were agreed the bill ought to be before the House. The Commissioner of Crown Lands told them one thing, the honorable and gallant knight another, and the honorable Attorney General West reproached the honorable member for Hastings for not giving the honorable and gallant knight the benefit of a doubt before he accused him of deserting his principles.⁸⁹ Le Procureur-général ouest n'a-t-il pas dit au membre pour Hastings, que celui-ci n'a pas besoin de craindre si fortement le changement de l'opinion du ministère, puisque ce changement n'a peut-être pas été si dangereux qu'il ne pense pour ses propres idées? Si le Procureur-général a raison en tranquillisant ainsi les craintes du membre pour Hastings, certes, il est temps que les libéraux du Haut-Canada commencent à craindre--les paroles rassurantes qu'on adresse au membre pour Hastings ne s'accordent certainement pas avec celles qu'on a adressées aux réformistes Haut-Canadiens.⁹⁰ On the whole he thought a grave responsibility rests on those reformers who did not insist on the measures being brought forward in the order promised by the ministry.⁹¹

Il nie qu'il y ait quelque chose de factieux dans l'opposition, qui veut non pas opposer, mais presser les mesures du gouvernement, et déclare qu'il accepte volontiers la promesse du ministère de retourner à l'ordre qu'il annonçait au commencement, sans insister sur l'amendement.⁹² If Government would make the Reserves Bill the first in order, he thought that would be satisfactory. The gallant knight from Hamilton had said he had opposed secularization for 25 years, and that his party continued to get less and less. That fact said very little for the present arrangement. If there were over 100 advocates of secularization in the House, it was not necessary to give four seats in the Cabinet in order to secure the support of some sixteen Conservatives.⁹³

Quant à la querelle de famille qu'on vient de discuter, il n'en dira rien; mais s'il est vrai qu'à l'assemblée conservatrice dont on a parlé, on décida de faire de la question des Réserves ce qu'on appelle une question ouverte, cela n'impliquait point qu'on devait abandonner ses principes, mais seulement que les personnes favorables à la sécularisation des Réserves ne devaient pas pour cela être chassées du parti. D'ailleurs on a rien dit de ce changement avant l'élection, et les constituants ont dû croire que les sentiments des candidats étaient les mêmes qu'ils avaient toujours été.

En effet la détermination du chevalier est des plus extraordinaires, car si on devait toujours se soumettre à la majorité, la minorité cesserait d'exister, et le gouvernement constitutionnel tomberait de suite. Si le grand parti qui a toujours été l'épouvantail de son ami d'Haldimand pendant sa vie, et qui le fait encore frémir, doit se suicider de cette manière, il (M. Galt) n'y a aucun intérêt; mais il croit que les membres de ce parti doivent y penser très sérieusement. L'exemple du ministère actuel en Angleterre ne donne aucune sanction à la coalition maintenant établie au Canada, car celle-là fut faite pour résister à ceux qui voulaient bouleverser le système du commerce libre.⁹⁴

MR. HINCKS dit que non; le commerce libre était alors pleinement établi.⁹⁵

MR. PRES. EX. COUN. MACNAB said that he had announced three times that night that the Clergy Reserve Bill would be brought down on Tuesday; and such a pledge from a minister of the Crown ought to hold good for that time, and in the case he thought it most unfair for the honorable member who had just sat down to attempt to alarm the House or the Country. (hear! hear!) They would go on first with the Clergy Reserve Bill if the House desired it. He did not think the ministry deserved a vote of censure for keeping the bill back for a few days.⁹⁶

A voice.--And then the Seigniorial Tenure Bill?⁹⁷

MR. PRES. EX. COUN. MACNAB.--Yes--he did not know that there would be any objection to that course. The bill would be introduced and could be gone on with.⁹⁸

MR. INSP. GEN. CAYLEY could not understand Mr. Galt's logic, if they anticipated defeat on the Legislative Council bill he should consider that a good reason for postponing it until the last, and averting as long as possible such a consequence as that.⁹⁹

MR. A. DORION (of Montreal) contended that the two measures on which the country was most agitated were the Clergy Reserves and the Seigniorial Tenure. It was on these the vote of censure of June last proceeded, and now he believed it was the duty of the House first to occupy itself with those measures.¹⁰⁰ Les électeurs, alors, ont dû être dans une position des plus extraordinaires, car ils ont dû croire que le chevalier ferait après son élection justement ce qu'il avait fait pendant vingt-cinq ans auparavant. Mais si réellement les messieurs qui ont traversé la Chambre n'ont pas voulu autre chose que d'emporter les mesures dont il s'agit, il ne leur était pas nécessaire du tout de changer leur place pour cela. Ils auraient bien pu voter pour ces mesures tout en restant où ils étaient.

Pendant la dernière session, il est notoire qu'ils ne voulaient pas de sécularisation, car on était alors obligé de substituer le mot "settlement" pour le mot "sécularisation." Mais s'ils avaient changé leur idée pendant la vacance, pourquoi ne l'ont-ils pas annoncé dès le commencement de la session actuelle. Ils n'ont rien dit de cela jusqu'au moment où ils ont trouvé que cela leur était nécessaire pour gagner les bancs ministériels. Dans le temps de l'émancipation des catholiques, Peel a agi bien autrement: il voulut laisser le ministère quoiqu'il supportât sa politique comme une nécessité. D'ailleurs le ministère anglais d'alors était fort pressé par la position menaçante du peuple Irlandais, pendant que chez nous il n'y a aucune raison de craindre la révolution, même dans le cas où Sir Allan continuerait de penser comme autrefois.¹⁰¹ The hon. member narrated the different occasions on which the promises of Mr. Morin had been made. His (Mr. D.'s) friends wanted to have them [Clergy Reserves and Seigniorial Tenure]

brought down now--they wanted to run no risk of losing them. They desired to offer no factious opposition, and they would support the Government in those measures if they were good. If the hon. and gallant knight would then promise to go on with the Clergy Reserves Bill first, (Mr. D.) for one would not vote for the motion now before the House.--He complained that Mr. McDonald, of Kingston, had called him and his friends anarchists in order to secure his election at Kingston¹⁰².

Il est vrai que le Proc.-gén. a parlé à son élection des anarchistes; mais cela ne montre pas autre chose que le mauvais fondement d'une coalition qui a besoin du mensonge pour s'appuyer. Ce monsieur s'est bien gardé de dire aux électeurs que tout ce que désirent les anarchistes est le règlement des questions des Réserves et de la Tenure. Il a bien voulu leur faire peur, et pour cela il leur a conté les histoires de personnes qui veulent détruire tout gouvernement. Ce monsieur eût pu leur dire tout le contraire; il eût pu leur dire que ces personnes qu'on accuse d'être anarchistes sont celles qui voulaient soutenir le bon ordre, quand il était attaqué--quand ses propres amis étaient persécutés pour avoir exercé leurs droits. Ces personnes se sont unis aux citoyens les plus respectables de Montréal pour élire un maire, comme protégé en faveur de ceux qui avaient été maltraités parce qu'ils osaient aller entendre un prédicateur, qui réellement ne disait rien de bon, mais que chacun avait droit d'entendre à son gré. Il y a eu alors une combinaison; mais il n'y a eu aucun abandon de principe.¹⁰³

MR. PROV. SEC. CHAUVEAU, in French, said this was the first time that a vote of censure upon a Government had been proposed upon the order in which their measures should be introduced.¹⁰⁴ C'est la première fois qu'on ait voulu dicter au ministère l'ordre de ses mesures¹⁰⁵. He retorted with great energy upon the Rouges for having, ever since their existence as a party, been op lny (sic) allied with the Tories of Lower Canada; and for now censuring the Liberals for allying themselves with the Tories of Upper Canada.¹⁰⁶ Il se moque de l'opposition pour ne rien vouloir que les magistrats électifs et les parlements annuels, pendant qu'elle a changé son programme, surtout quand (sic) à l'annexion, et qu'elle a actuellement un programme pour les journaux et un autre pour la Chambre.¹⁰⁷ The member for Montreal (Mr. Dorion) who now disclaims the character of an anarchist had lately been secretary of the Annexation Association and had gone to the Tories for a character. He charged the member for Sherbrooke (Mr. Galt) and his friends with the responsibility of defeating the late administration.¹⁰⁸ [Il] dit que M. Galt et M. Dorion, tout en voulant presser le ministère sur la question seigneuriale et sur celle des réserves, avaient précisément donné les raisons qui devaient l'engager à faire passer le bill du conseil électif le premier, en disant que ce bill pourrait être passé s'il venait avant, mais serait certainement rejeté s'il venait après les deux autres.¹⁰⁹

MR. GALT thought it due to himself and the House to explain. The attack of the Provincial secretary was unwarranted.--He had never, as the late Inspector General would admit, been a regular supporter of the late ministry. He gave a qualified support in June last because (sic) he desired the speedy settlement of the Clergy Reserves and Seigniorial tenure questions, and because he believed that ministry more likely than any other that could be formed, that he would agree to settle those questions. He intended to renew that support this session on the same grounds; and with the same object in view he gave them his support on the speakership, but when he saw the speech from the throne he wrote a letter to inform them that the language was not sufficiently decisive to meet his views, and that he could not any longer continue his support.--If they had came (sic) down

more decisively on those questions in the speech from the throne they could have had his support, and the responsibility of their losing it, rested on their own, not on his shoulders.--He could not have been a regular supporter of the late ministry of extreme views [that] were unpopular now, but the day might come when they would be in the ascendant. He took the responsibility of those views, and never had, as he had been taunted by the honorable and gallant knight, either any desire or any hope of obtaining office.¹¹⁰

MR. HINCKS never looked on the hon. member for Sherbrooke as a general supporter of the late government; and the degree of support which he received from him in June last was more than he expected; but he differed with him as to what was the duty of himself (Mr. Galt) and others who acted with him towards the late administration; and he contended that there was no want of definiteness in the Royal speech to justify the opposition of Reformers to the late government.¹¹¹ He believed, however, that the honorable member had acted honestly, in accordance with his opinions, and he only had to complain that he thought those were wrong.¹¹²

MR. PAPIN, in French,¹¹³ fait remarquer qu'un des messieurs de l'autre côté de la Chambre a exprimé l'opinion que le temps était passé pour discuter la politique de la coalition, et qu'on devrait maintenant juger les mesures que cette coalition offrait. C'est ce que l'opposition veut. Elle presse l'administration; elle veut la forcer même, au besoin, d'avancer ces projets. L'opposition est sincèrement en faveur de ces mesures et elle les supportera, qu'elles soient offertes par le ministère actuel ou par aucun autre. Lui et ses amis n'ont pas été élus, comme il paraît qu'ont été élus les membres de l'administration du Haut-Canada, sur des questions ouvertes, mais pour maintenir certains principes précis et définis. Les ministres du Bas-Canada ne doivent donc pas être surpris si les membres de l'opposition se lèvent pour les forcer de faire marcher ces mesures, et pour les empêcher d'agir comme les ministères précédents, qui laissaient aller session après session sans remplir les promesses qu'ils faisaient.

On a dit que lui et ses amis voulaient retarder la marche de ces questions. Eh bien! non; ils veulent par leurs actes réfuter ceux qui le disent. On prétend en être surpris, mais si on avait suivi les débats depuis le commencement de la session, on serait bien plus surpris de ce qu'on a dit du côté ministériel. Quel devait être le jugement de l'opposition quand elle entendait les membres libéraux de la coalition regretter qu'ils fussent liés aux conservateurs, et les conservateurs dire qu'ils passeraient leurs mesures non pas parce qu'ils les trouvaient bonnes, mais parce qu'ils ne pouvaient faire autrement. Il est clair qu'il est nécessaire de pousser autant que possible un tel ministère.

Le Commissaire des Terres de la Couronne a dit qu'il n'avait pas fait avec les tories du Haut-Canada un mariage d'amour, mais de nécessité; cela est de nature à nous faire craindre un mauvais ménage, et nous devons les hâter de nous donner des mesures dès le commencement, avant que l'harmonie qui doit au moins régner dans les premiers jours du ménage ne soit troublée. Les déclarations de messieurs les ministres Bas-Canadiens étaient, il est vrai, dans le commencement, de nature à faire croire qu'ils allaient droit à la passation des bills dont il s'agit. Ils disaient que leurs collègues avaient changé entièrement leur politique, et on s'attendait, sans doute, à entendre la conversion de ces messieurs confirmée de leurs propres bouches; mais au lieu de cela on a vu que les membres pour Hamilton et Kingston ne sont disposés à passer ces projets que parce qu'ils ne veulent plus résister à l'opinion publique. Est-ce là la position que le chef du gouvernement doit prendre? Doit-on, ou peut-on avoir pleine confiance dans sa

sincérité, quand ces mesures ne s'accordent pas avec ses propres sentiments et quand il ne les propose que parce qu'il ne juge pas sage de s'opposer à la majorité du peuple? Cela donne lieu à plus que le doute, et fait que nous désirons hâter le progrès de la législation. D'ailleurs les procédés du ministère ont augmenté le doute qui s'élevait dès le commencement sur la nature de la combinaison, car on trouve que l'ordre des mesures premièrement établi a été changé. Les ministères s'en sont excusé[s] en disant qu'ils n'étaient pas au fait des détails; ensuite que leurs collègues n'étaient pas de retour; et ce soir que le Maître des Postes n'était pas au Conseil lors des discussions.

Quant aux remarques du Secrétaire-prov. il lui dira que l'opposition n'a pas voulu dicter au gouvernement, mais qu'elle a voulu exprimer sa propre volonté, et que malgré les reproches du gouvernement, elle le fera toutes les fois qu'elle jugera convenable de le faire. De là le Secrétaire a passé à son thème ordinaire, qui probablement lui servira durant la session actuelle, et peut-être bien des sessions à venir. Ce thème, c'est l'alliance de lui (M. Papin) et de ses amis avec les tories du Bas-Canada, ce qui, d'après le Secrétaire, doit excuser sa propre alliance avec les tories du Haut-Canada. Le Secrétaire a parlé aussi des personnes qui avaient un programme pour les journaux et un autre pour la Chambre. Ce monsieur doit être le dernier à parler de la sorte, car dans le journal écrit sous son inspiration, il (M. Chauveau) a fait lire à tout le monde des attaques les plus acharnées sur les tories avec qui il est lié aujourd'hui.¹¹⁴

MR. PROV. SEC. CHAUCHEAU.--Mais ces messieurs n'avaient pas encore accepté notre politique.¹¹⁵

MR. PAPIN.--Sans aucun doute. Ils ne l'ont fait que quand c'était nécessaire pour arriver au pouvoir.

(Mr. Papin lit ici l'adresse du Canadien lors de l'élection à Québec.)

Voilà le langage du journal du Secrétaire; pourtant il trouve aujourd'hui qu'aucune alliance ne soit possible que celle qu'il vient de faire avec ces mêmes tories. Quant au sujet de l'annexion, lui (M. Papin) et ses amis n'ont jamais caché leurs opinions. Ils ont demandé l'annexion, c'est vrai, et quand ils l'ont fait les nouveaux amis de ce monsieur étaient dans un état d'émeute continuelle, bien plus dangereux que ne fût la discussion de l'annexion. On l'a agité, c'est vrai, comme on a droit de le faire, mais on a respecté l'opinion de la majorité de nos compatriotes, et on n'a pas voulu continuer une agitation inutile. Il semble étrange au Secrétaire qu'on pense à l'annexion ou à aucune autre chose pour le bien public; lui-même ne s'occupe en rien de l'avenir, mais seulement du présent, où toute chose est si excellente.

Mais ce monsieur a dit de plus qu'on a changé notre programme sans en donner avis aux électeurs. Il n'y a en cela rien de vrai; mais il demande au Secrétaire s'il aurait été élu lui-même, s'il avait donné avis à ses électeurs, lorsqu'il prêchait contre les tories, qu'il allait se joindre à eux dès le commencement de la session. Peut-être ce monsieur trouvera une autre fois qu'il ne jouit pas de leur confiance autant qu'il le croit.

Le membre pour Montmorency (sic) a dit que ce n'était pas le temps pour attaquer la coalition; mais il se rappelle que ce membre attaquait une fois un ministère sans attendre ses actes. Il parle du temps de la coalition entre une partie du ministère Lafontaine avec les clear grits, et ce qui est encore plus extraordinaire, c'est qu'il l'attaquait parce qu'il favorisait les mêmes mesures que favorise le ministère actuel qu'il supporte. Il doit avoir une raison pour cette différence de conduite envers ceux qui prétendent avoir les mêmes principes. Quelle est cette raison? Est-ce parce [que] l'hon. membre ne croit pas que le ministère actuel fasse ce qu'il promet? Il (M. Papin) n'en sait rien; mais si cela n'est pas la raison il n'en voit aucune.

Pour ces raisons il insiste sur ce que les bills des Réserves et de la Tenure soient amenés devant la Chambre avant toute autre chose, et qu'ils marchent de pair autant que possible.¹¹⁶

MR. MARCHILDON [said] ... a few words ... in review of the debate.¹¹⁷

MR. CAUCHON replied, also in French,¹¹⁸ with much warmth.¹¹⁹ Il opposait le dernier ministère parce qu'il en voulait à ses principes; mais le membre pour l'Assomption oppose le ministère actuel quoiqu'il adopte ses principes. Il se croit le plus logique des deux.¹²⁰ He declared that he had always supported the same principles; and branched on into a long dissertation on the different kinds of French republicanism.¹²¹

MR. PAPIN s'oppose au ministère actuel parce qu'il manque de confiance en lui, mais s'il amène les bills qu'il a promis devant la Chambre, il lui donnera son aide pour les emporter.¹²²

MR. HOLTON said as the debate had digressed so much he thought it better to call attention to the motion before the House. The hon. Commissioner of Crown Lands had promised the introduction of measures in an order that had given satisfaction to the country. The question was, should the House permit a departure from that order in circumstances when such departure might peril the measure. He thought not and should support the amendment.¹²³

MR. SOL. GEN. H. SMITH said the Speaker had permitted a range of debate far too wide. The discussion had been altogether too discursive.¹²⁴ [He] wished to call the attention of the House to the point that ought to have been discussed all the evening. The question was, whether the measures, soon to come up for consideration, were of a nature to warrant a call of the House. If they were, then the object of the amendment of the hon. member for Glengary was to defeat it. What right had he (Mr. H.) to assume that the second reading of the Legislative Council Bill would come on before that of the Clergy Reserves; or that the announcement of the order in which the measures were to be introduced would be departed from. He was acting upon assumed facts which had no existence.¹²⁵

MR. J.S. MACDONALD replied to the debate and complained that Sir Allan's attack on him was unwarranted, as all he had done was to say that the member for Northumberland had stated in seconding the address that he Sir Allan had undertaken to carry all the late Government measures and had bodily gone over to the reformers instead of the reformers having gone over to them.¹²⁶ If the answer of the gallant knight had been as explicit, at any early part of the debate, as that subsequently given, the debate would not have lasted half as long as it had. It was said there was no precedent for the amendment he had proposed; if this was the case it was because there had been no occasion for any precedent.¹²⁷ He thought if the Clergy Reserve bill were brought in on the 17th it would require ten days to consider upon it.¹²⁸ If he was to understand from the Solicitor General's speech that the Clergy Reserves Bill was to be read a second time on the 27th, all he could say would be that he would not be ready to enter on its consideration ten days after its introduction. If he were now to withdraw the amendment, the debate would not have been lost.¹²⁹

MR. FERRES agreed with the hon. member for Glengary that the debate was not all time lost for he had never seen a more miserable figure than the gentlemen around him (on the Opposition benches) had cut. (Laughter.)¹³⁰ This debate like that on the address had wandered upon every imaginable subject except that before the House.¹³¹ Last night, the amendment discussed for hours was deserted

by both mover and seconder; and the present debate had been something like it. A great deal had been said against the coalition. Has the government to be placed in the hands of parties who would sell the country to a foreign State--to the hon. member for Sherbrooke who declared that he had abated nothing of his annexation opinions.¹³² Even the hon. member for Glengarry could not support that. He (Mr. F.) could sympathize with the position of the hon. member for Hastings, and some years ago would have gone with him, but now he believed that in order to secure the peace of the country the Government had taken the right course on the Clergy Reserves question. Allegiance, it was true might not be so much as it was formerly, but still he could never be a party to the doctrines of the hon. member for Sherbrooke and never could consent to hand the country over to foreigners.¹³³ What could be thought of the sincerity of the hon. member for Glengarry who first affected to believe that the Clergy Reserves Bill was not to be introduced at all, and then said he would require a longer delay than ten days between the introduction and the second reading of the Bill?¹³⁴ With respect to the motion of amendment he thought the House ought to accept the promise of the Government. He was willing to give the Government time with their bills, and would be satisfied if the ministry left the Legislative Council bill till next session, in order to give the country time to consider it.¹³⁵

MR. MCKERLIE said the hon. member for Missisquoi had the modesty to lecture the House for wandering from the subject, yet before he had been on his legs one minute, he himself pursued the course which he condemned.--According to the hon. member's account the country must owe a deep debt of gratitude to the hon. and gallant knight and his friends for throwing aside their principles and walking across the House, just in the nick of time to prevent the country from being sold to the United States. Now, (Mr. McK) did not understand that even the hon. member for Sherbrooke desired to sell the country to the United States.¹³⁶ He did not believe that they had any more idea of selling their country than the present government, and not so much intention of selling their principles. It was said that the Clergy Reserves Bill could not be introduced till Mr. Spence had an opportunity of consulting with the hon. member for Hamilton. It would be a long time he believed, before the Postmaster General and the gallant knight would agree upon any common principles. The House had been told that if it wanted the Clergy Reserves Bill first, it could have it--if it wanted the Seigniorial Tenure Bill first, it could have it. Anything in fact, so that, on the principle they had adjusted, the gentlemen on the treasury benches might continue to hold their seats for ever.¹³⁷ They had abandoned their own principles to make very bad reformers.--He stated that he should support the amendment.¹³⁸

MR. S. SMITH, of Northumberland, would vote against the amendment, because he saw that it was a part of the same system which had been acted upon in the debate on the address, and which was intended not only to oppose the government, but to place in a false light members who sustained the position that he did towards the government. The hon. member who had spoken last had deprecated sudden conversions in politics; but if he (Mr. S.) was correctly informed, that gentleman, who now claims to be so great a liberal, was what was called a Tory only a month before his election. This was the case with some other members on that side of the House. The member for Haldimand, in telling the House that the late ministry had done so much good and intended to do so much more good, had fully sustained the course of those who, like himself (Mr. S.) supported that government; and he believed that the member for Haldimand had, by his own admission

to-night, proved that he was wrong in the opposition he gave to that ministry. He (Mr. S.) thought the ministry intended to carry the Secularization of the Reserves; and if he thought otherwise he would at once give them his opposition. The member for Glengarry said he would not be forced to vote upon the Reserves bill after ten days' consideration. He (Mr. S.) was prepared to vote at once for the principle of Secularization--for the second reading of the bill to send it to a committee.¹³⁹

MR. POWELL [spoke.]¹⁴⁰

[MR. LARWILL] said he would not detain the House two minutes. He had intended to make some more lengthy remarks, but it being two o'clock he would not then do so--he perfectly agreed with Mr. Powell in what that gentleman had said. He would only say in addition that if a Legislative body was to be valued by either the amount of folly or faction it displayed our Legislature stood pre-eminent. The Hon. Members had been talking hour after hour, day after day, and saying nothing. If members were to be estimated by the length of their tongues, the member for Kent would not be found deficient, he notified the house of that fact.¹⁴¹

MR. DALY said he had before stated that he acknowledged no one as his leader; and he merely rose to say that he should vote against the amendment, because he believed the government to be honest in their intention to carry the promised measures.¹⁴²

DR. SOUTHWICK followed¹⁴³.

(178)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Bureau, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Ferrie, Fraser, Freeman, Galt, Gosselin, Hartman, Holton, Jobin, Lumsden, John S. Macdonald, Roderick McDonald, McKerlie, Marchildon, Mattice, Papin, Prévost, Scatcherd, and Valois.--(27.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Cartier, Cauchon, Cayley, Chabot, Chapais, Chauveau, Crawford, Daly, Jean B. Daoust, Delong, Desaulniers, Dionne, Dostaler, Felton, Ferres, Fortier, Fournier, Gould, Hincks, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Mongenais, Morin, Joseph C. Morrison, Murney, Niles, Patrick, Poulin, Powell, Rhodes, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Stevenson, Taché, Terrill, and Thibaudeau.--(57.)

So it passed in the Negative.

Then the main Question being put, That a Call of the House be made on Friday the twenty-seventh day of October instant:--It was resolved in the Affirmative.

Resolved, That such Members as shall not then attend, be sent for in the custody of the Serjeant-at-Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

Then, on motion of Mr. Cauchon, seconded by the Honorable John Sandfield Macdonald,

The House adjourned until Monday next.¹⁴⁴

APPENDIX: 13 OCTOBER 1854.

[NOTICE OF MOTION: BILL TO AMEND THE MONTREAL AND BYTOWN RAILWAY ACT.]

MR. A. DORION (Montreal) [gave notice that he would move for leave to introduce a] Bill to amend the Act Incorporating the Montreal and Bytown Railroad Company.¹⁴⁵

[NOTICE OF MOTION RE: BILL TO AMEND LA BANQUE DU PEUPLE ACT.]

MR. A. DORION (Montreal) [gave notice that] on Friday next [he would move for leave to introduce a] Bill to amend the Act incorporating certain persons under the name of "La Banque du Peuple," and to increase the Capital of said Bank.¹⁴⁶

[NOTICE OF MOTION RE: ADDRESS FOR CORRESPONDENCE BETWEEN CANADIAN AND IMPERIAL GOVERNMENTS RELATING TO THE LEGISLATIVE COUNCIL BILL.]

MR. A. DORION (Montreal) [gave notice that] on Friday next [he would move an] Address to His Excellency the Governor General for copies of all correspondence between the Government of the Colony and the Imperial Government, relating to the proposed changes in the constitution of the Legislative Council, with a view to render it elective and in reference to an Act of the Imperial Parliament to empower the Legislature of Canada to alter the Constitution.¹⁴⁷

[NOTICE OF MOTION RE: ADDRESS FOR ALL DOCUMENTS RELATING TO THE SALE OF CROWN LANDS AT POINT LEVI.]

MR. SOL. GEN. H. SMITH [gave notice that he would move an] ... Address to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, all orders in Council, departmental orders, papers, advertisements, and documents relating in any way to the Sale by Public Auction or otherwise, of certain Crown property at Point Lévi, in which certain Members of the present or past Executive Council were concerned, or ... to be interested.¹⁴⁸

[NOTICE OF MOTION RE: INSTRUCTION TO CLERK OF THE HOUSE TO PROCURE THE NAMES OF SHAREHOLDERS, THE NUMBER OF SHARES ETC. IN GRAND TRUNK RAILWAY.]

MR. SOL. GEN. H. SMITH [gave notice that he would move] That the Clerk of this House be instructed to procure from the proper officers of the Grand Trunk Railway Company, a list of names of the several original shareholders, and all additional shareholders of the capital stock of the said Company, specifying the number of shares subscribed for or held in the name of each shareholder, with the sum paid by each shareholder on his said stock.¹⁴⁹

[NOTICE OF MOTION RE: INSTRUCTION TO CLERK OF THE HOUSE TO PROCURE ALL PAPERS IN COURT OF CHANCERY IN THE CASE OF TORONTO OR PATERSON ET AL VS. BOWES.]

MR. SOL. GEN. H. SMITH [gave notice that he would move] "That the Clerk of this House be instructed to procure from the proper officer of the Court of Chancery and lay before this House, copies of all papers, evidence, and proceedings in the said Court of Chancery, in the case of Paterson and others against Bowes, together with all papers and documents laid before the Government of this Province relating to the subject matter of that suit."¹⁵⁰

FOOTNOTES: 13 OCTOBER 1854.

1. LE PAYS, 17 October 1854.
2. GLOBE, 19 October 1854, states: "Another irregular discussion arose last night on the motion of Mr. Morin for a call of the House, on Friday the 27th instant, and lasted till past midnight.... Early in the afternoon Mr. Morin's motion came up, and was submitted to the House without any further introductory observations than would be made on introducing a motion of adjournment. The mover (sic) was politely reminded, that it had been customary for the government to explain to the House what measures it was prepared to submit when a call took place. Mr. Morin then stated that the cabinet desired to have the Legislative Council Bill discussed on that day; but added nothing more."
3. TORONTO LEADER, 19 October 1854.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. Unidentified Newspaper in SCRAPBOOK HANSARD.
9. TORONTO LEADER, 19 October 1854.
10. LA MINERVE, 19 October 1854.
11. TORONTO LEADER, 19 October 1854.
12. Unidentified Newspaper in SCRAPBOOK HANSARD.
13. TORONTO LEADER, 19 October 1854.
14. Unidentified Newspaper in SCRAPBOOK HANSARD.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. LE PAYS, 19 October 1854.
21. Unidentified Newspaper in SCRAPBOOK HANSARD.
22. TORONTO LEADER, 19 October 1854.
23. IBID.
24. Unidentified Newspaper in SCRAPBOOK HANSARD.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. TORONTO LEADER, 19 October 1854.
31. Unidentified Newspaper in SCRAPBOOK HANSARD.
32. MORNING CHRONICLE, 17 October 1854.
33. IBID.
34. TORONTO LEADER, 19 October 1854.
35. MORNING CHRONICLE, 17 October 1854.
36. TORONTO LEADER, 19 October 1854.
37. MORNING CHRONICLE, 17 October 1854.
38. TORONTO LEADER, 19 October 1854.
39. MORNING CHRONICLE, 17 October 1854.
40. QUEBEC GAZETTE, 24 October 1854. QUEBEC GAZETTE, 24 October 1854 and MORNING CHRONICLE, 23 October 1854, carry an excerpt from this debate that is not recorded elsewhere. QUEBEC GAZETTE explains "The following from the debate

on ministerial explanations of the 13th instant were omitted, in consequence of the Reporter having mislaid his notes." It also notes that this speech by Mr. Murney is given in reply to Mr. J.A. Macdonald, and before Mr. Crawford speaks.

41. TORONTO LEADER, 19 October 1854.
42. QUEBEC GAZETTE, 24 October 1854.
43. MORNING CHRONICLE, 17 October 1854.
44. QUEBEC GAZETTE, 24 October 1854.
45. TORONTO LEADER, 19 October 1854.
46. IBID.
47. QUEBEC GAZETTE, 24 October 1854.
48. TORONTO LEADER, 19 October 1854.
49. IBID.
50. TORONTO LEADER, 19 October 1854. LA MINERVE, 19 October 1854, reports, as part of this debate, 'M. Murney et M. Freeman, l'un tory et l'autre réformiste, attaquèrent la nouvelle combinaison chacun à son point de vue. M. le procureur-général McDonald répondit au premier et M. Hincks au second. Il provoqua une assez grande gaieté parmi les membres des deux côtés de la chambre, lorsqu'il dit que M. Freeman, l'un des trente-huit signataires du manifeste de l'opposition contre l'élection de M. Spence, après s'être rendu sur le terrain dans une assemblée publique pour cette élection, n'avait pas même osé adresser la parole aux électeurs. Cette gaieté ne fut pas diminuée par la déclaration un peu naïve de M. Freeman qu'il n'avait refusé d'adresser la parole aux électeurs qu'à la demande de quelques amis de M. Spence. M. Hincks dit qu'alors l'honorable membre n'avait pas autant d'antipathie qu'il voulait le faire croire contre le ministère, et que cela justifiait ce que l'on disait sur son compte, qu'il était avec lui des accommodements. Cette allusion à la politique un peu changeante du député de South-Wentworth parut bien goûtée de tous les membres Haut-Canadiens." However it is probable that at least part belongs to debate of 12 October (our footnotes 169-180, 12 October, 1854.)
51. MORNING CHRONICLE, 17 October 1854.
52. TORONTO LEADER, 19 October 1854.
53. IBID.
54. IBID.
55. IBID.
56. TORONTO LEADER, 20 October 1854.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. LE PAYS, 19 October 1854.
64. TORONTO LEADER, 20 October 1854.
65. LE PAYS, 19 October 1854.
66. IBID.
67. TORONTO LEADER, 20 October 1854.
68. LE PAYS, 19 October 1854.
69. TORONTO LEADER, 20 October 1854.
70. LE PAYS, 19 October 1854.
71. TORONTO LEADER, 20 October 1854.
72. IBID.

73. MORNING CHRONICLE, 17 October 1854.
74. LE PAYS, 19 October 1854.
75. MORNING CHRONICLE, 17 October 1854.
76. LE PAYS, 19 October 1854.
77. MORNING CHRONICLE, 17 October 1854.
78. LE PAYS, 19 October 1854.
79. MORNING CHRONICLE, 17 October 1854.
80. LE PAYS, 19 October 1854.
81. MORNING CHRONICLE, 17 October 1854.
82. LE PAYS, 19 October 1854.
83. MORNING CHRONICLE, 17 October 1854.
84. IBID.
85. TORONTO LEADER, 20 October 1854.
86. MORNING CHRONICLE, 17 October 1854.
87. IBID.
88. LE PAYS, 19 October 1854.
89. MORNING CHRONICLE, 17 October 1854.
90. LE PAYS, 19 October 1854.
91. MORNING CHRONICLE, 17 October 1854.
92. LE PAYS, 19 October 1854.
93. TORONTO LEADER, 20 October 1854.
94. LE PAYS, 19 October 1854.
95. IBID.
96. MORNING CHRONICLE, 17 October 1854.
97. TORONTO LEADER, 20 October 1854.
98. IBID.
99. MORNING CHRONICLE, 17 October 1854.
100. HAMILTON SPECTATOR, 24 October 1854.
101. LE PAYS, 19 October 1854. LA MINERVE, 19 October 1854, notes "M. [A.] Dorion entreprit un rapprochement entre la position de la coalition du ministère Derby et la combinaison McNab-Morin; mais il s'embrouilla tellement dans l'exposé des faits et fut souvent rappelé non pas à l'ordre, mais à la vérité, par M. Hincks et d'autres membres, qu'il finit par dire qu'il y avait longtemps qu'il avait lu tout cela et que peut-être il aurait oublié ce qui en était." It also states that he spoke in English.
102. HAMILTON SPECTATOR, 24 October 1854.
103. LE PAYS, 19 October 1854.
104. TORONTO LEADER, 20 October 1854. Although TORONTO LEADER states that Mr. Chauveau spoke in French, LA MINERVE, 19 October 1854, notes: "M. Chauveau répondit à M. Galt et à M. Dorion. Il parla anglais comme avait fait ce dernier, et M. Papin eut la gentillesse de lui crier: parlez français! Sur la réponse que les démocrates, qui avaient promis en effet de ne parler que français, ne devaient pas trouver à redire si l'on suivait l'exemple donné par leur chef, M. Papin observa spirituellement, que cela convenait à M. Dorion qui savait l'anglais, tandis que M. Cha[u]veau ne le savait pas."
105. LE PAYS, 19 October 1854.
106. TORONTO LEADER, 20 October 1854.
107. LE PAYS, 19 October 1854.
108. TORONTO LEADER, 20 October 1854.
109. LA MINERVE, 19 October 1854.
110. MORNING CHRONICLE, 17 October 1854.
111. TORONTO LEADER, 20 October 1854.

112. MORNING CHRONICLE, 17 October 1854.
113. TORONTO LEADER, 20 October 1854.
114. LE PAYS, 19 October 1854.
115. IBID.
116. IBID.
117. MORNING CHRONICLE, 17 October 1854.
118. TORONTO LEADER, 20 October 1854.
119. MORNING CHRONICLE, 17 October 1854. GLOBE, 19 October 1854, claims "he answered in a fury."
120. LE PAYS, 19 October 1854.
121. TORONTO LEADER, 20 October 1854.
122. LE PAYS, 19 October 1854.
123. MORNING CHRONICLE, 17 October 1854.
124. IBID.
125. TORONTO LEADER, 20 October 1854.
126. MORNING CHRONICLE, 17 October 1854.
127. TORONTO LEADER, 20 October 1854.
128. MORNING CHRONICLE, 17 October 1854.
129. TORONTO LEADER, 20 October 1854.
130. IBID.
131. MORNING CHRONICLE, 17 October 1854.
132. TORONTO LEADER, 20 October 1854.
133. MORNING CHRONICLE, 17 October 1854.
134. TORONTO LEADER, 20 October 1854.
135. MORNING CHRONICLE, 17 October 1854.
136. HAMILTON SPECTATOR, 24 October 1854.
137. TORONTO LEADER, 20 October 1854.
138. HAMILTON SPECTATOR, 24 October 1854.
139. HAMILTON SPECTATOR, 24 October 1854. MORNING CHRONICLE, 17 October 1854, states that "The hour was a long past midnight" when Mr. S. Smith began to speak. The MORNING CHRONICLE reporter indicates that Messrs. Powell, Larwill, Daly, and Dr. Southwick followed Mr. S. Smith but that he was too tired to note down their speeches.
140. MORNING CHRONICLE, 17 October 1854.
141. WESTERN PLANET, 25 October 1854, which also notes: "Your own Member [Mr. Larwill] rose two or three times and evidently had something to say, but so many others rose at the same time, to whom preference was given by the Speaker that it was long before he had an opportunity. Question, Question by the whole house. Mr. Larwill would not be put down in that manner--Several sang out, Hear the little Brick!"
142. HAMILTON SPECTATOR, 24 October 1854.
143. MORNING CHRONICLE, 17 October 1854.
144. TORONTO LEADER, 20 October 1854, notes that the House "adjourned about one o'clock A.M. (Saturday)." However WESTERN PLANET, 25 October 1854, reports Mr. Larwill to say he is speaking at two o'clock, (footnote 141).
145. MONTREAL GAZETTE, 16 October 1854.
146. IBID.
147. IBID.
148. GLOBE, 19 October 1854. The ellipsis represents illegible words.
149. IBID.
150. IBID.

MONDAY, 16 OCTOBER 1854.

(179)

MR. SPEAKER communicated to the House the following Letters:--

Government House, Quebec, 14th October, 1854.

Sir,--I have the honor, by command of the Governor General, to transmit herewith for your information, the Copy of a Letter which His Excellency has received from Captain Bayfield, R.N.

I have the honor to be, Sir,

Your most obedient humble Servant,

Aug. T. Hamilton,

Military Secretary.

The Honorable the Speaker
of the Legislative Assembly.

(Copy.)

Surveying Vessel Gulnare,
Sheet Harbour, Nova Scotia,
19th September, 1854.

My Lord,--I have the honor to inform Your Excellency, that in replying, on the 21st January last, to a communication from Lieutenant General Rowan, at that time Administrator of the Government of Canada, respecting the sites of proposed Light Houses in the Gulf of St. Lawrence and Strait of Belleisle, I had occasion to refer to points and places incorrectly represented in the old Charts. It therefore appeared to me desirable that the Government of Canada should have ready access to the Admiralty Charts resulting from my Surveys, for reference on any future occasion.

Having communicated this opinion to the Hydrographer, Sir Francis Beaufort, he has transmitted to me a complete set of my Charts and Directions, in order that I might have the gratification of presenting them to the Canadian Parliament.

Requesting that they may be considered as indicative of the deep interest I must ever feel for Canada, in which so many years of my life have been passed, and also as a small mark of the high respect entertained by Sir Francis Beaufort, as well as myself, for Your Lordship and the Parliament of Canada.

I have, etc.,

(Signed,)

H.W. Bayfield, R.N.

Captain, and Admiralty Surveyor.

His Excellency,

The Earl of Elgin and Kincardine, K.T.

&c., &c., &c.

P.S.--The case of Charts with the original of this Letter, forwarded from Halifax by the Brigantine Zillah, Bernier, Master, to sail from Halifax on or about the 7th of October. H.W.B.

MR. J.S. MACDONALD (Glengary) rose to call the attention of the House and particularly of the administration to the Address of Friday last, to His Excellency, to authorize the immediate payment of the annual appropriation granted to the Educational and Benevolent Institutions for the current year, as borne upon the estimates for the past year, as he was desirous, that the earliest opportunity should be taken to point out the irregularity of a course so objectionable as the one referred to, as independently of the violation of one of the most important rules of this House, in respect to the mode of proceeding in all matters in aid or supply, the motion of the hon. member for Nicolet, made on Friday last, if allowed to remain now on our journals would establish a precedent which might be quoted hereafter injuriously to the interests of the people, and against the

practice of Parliament. He (Mr. MacDonald) required that all addresses or motions asking for money should emanate in a Committee of the whole or a Committee of supply. In this instance, if the Administration were to act on the address referred to this House would be precluded from debating the propriety of voting the items which ought to be brought down in the estimates and which under this address amounted in the aggregate to about £50,000. Now without entering into the discussion of the policy of continuing these grants he felt himself called upon to protest against the payments being made without the usual formality being observed in the first instance. It would be recollected, that in November 1852, a vote of credit of¹ £180,000² was given to meet the necessary and indispensable expenses of the Government for that year, but that vote which be it remembered, was founded on Resolutions adopted in the Committee of Supply was rendered necessary in advance of the items being considered in the usual way, as well on account of the then intended adjournment of the House by reason of the cholera breaking out in the city, as that the House would not meet again within that year, and the payment could not be further postponed. In the case under consideration, no such necessity existed. The House is sitting, and ample time would occur to move the usual Committee of Supply, and any Resolutions that might be adopted by that Committee, would no doubt meet with due attention on the part of the House. He (Mr. M.) considered that he had discharged his duty by calling the attention of the Government to the matter, leaving to them the responsibility of the course to be pursued, and he hoped that the motion for the Address would be rescinded. For his own part, when the motion was made, he heard his hon. friend from Drummond ask, if the motion had reference to monies already granted, and the reply of the mover being in the affirmative the object was not questioned. It was quite clear, that at the time there were (sic) a misconception on all sides.³

MR. INSP. GEN. CAYLEY said, that he had been detained at his office and was not in his place at the time that the motion was made, or in all probability, upon explanation, the motion would have been withdrawn by the mover. He trusted that hon. gentlemen opposite would not infer that there had been any concert between the Government and the hon. member for Nicolet to anticipate the action of the House, or snap a vote on the estimates, at the same time, he must state that he did not take the same view with the hon. member for Glengarry, of what was intended, or could be done under that motion. At all events, he (the Inspector General) should not have left himself justified in making any payments under that motion beyond what he thought that the House would have considered perfectly justifiable advances on account of salaries and so on until the estimates had been brought down. He was quite prepared however to join in any course by rescinding the vote or otherwise to satisfy the House, that no advantage (sic) would be taken if the motion had been made.⁴

MR. PROV. SEC. CHAUVEAU said the carrying of the motion had caused him a great deal of embarrassment. He was not aware of the matter till informed by the Inspector General. As Secretary, it was his duty to make a list of the Educational grants to be proposed and hand them to the Inspector General.⁵ As many of the grants embraced in the resolution might be changed by the House, and some of them perhaps struck out altogether or diminished, he had found himself placed in an awkward predicament, by Dr. Fortier's motion.⁶ The vote having taken place without his knowledge caused him a great deal of embarrassment, as some of them might require to be altered in amount or struck off. He was not disposed to acquiesce in the conclusion come to.⁷

MR. BROWN said he was confident that the assurance of the hon. Inspector General would be quite satisfactory to this (his) side of the House. The object

of calling attention to the matter was two-fold, first, to stop the payment of a large sum of money for objects which had not been considered by the House, and which, when brought forward in the ordinary manner in the estimates, might not be granted. The opposition desired that the irregular motion of the member for Nicolet should not have the effect of preventing their discussing and voting upon every item of the supplies when they came up. The second object was to bring before the attention of the House the gross irregularity of the proceeding, so that measures might be taken to prevent its being held hereafter as a precedent for similar irregularities. It was evidently a most dangerous innovation to vote away one hundred thousand pounds of the public money, en bloc, for fifty different purposes and that on the mere motion of a private member, without explanation or discussion. It struck directly at the root of Responsible Government. If a member could propose and carry such a motion, he might as well put through the whole supplies of the year in one line (Hear, hear.) There could not be two opinions in the house as to the irregularity and the course he would suggest was that the gentleman on the Treasury benches would consider the matter and take the necessary steps to rescind the motion. Such a precedent should not be allowed to remain on the Journals, and the gentlemen on this side of the House would readily join in any course to remove it which gentlemen opposite might propose.⁸

MR. HINCKS said he was satisfied that the annual grants to which the motion in question had reference, would not exceed £40,000. The special grants might be another £10,000.⁹

MR. PRES. EX. COUN. MACNAB considered that this was one of these blunders which would happen at times.¹⁰ Every one knew that in the case of money grants, the mode of procedure was for the House to go into committee. It was usual in such cases to move the resolution be expunged from the journals.¹¹ It was evidently a mistake, the Address having been moved and carried without anything being said about it. He therefore moved that "Notice having been taken that the Address of this House, voted to His Excellency, on Friday last, to authorize the immediate payment of the annual appropriation granted to the Educational and Benevolent Institutions for the current year, as borne upon the estimates of the past year, was irregular, and contrary to the Rules of this House; it be ordered that the said Notice be entered in the Journals, and the Resolution containing the said Address be rescinded."¹²

MR. J.S. MACDONALD (Glengarry) seconded the motion.¹³

MR. POWELL did not rise to oppose the motion, but could not forbear (sic) referring to the injudicious course adopted by the Commissioner for Crown Lands in opposing his (Mr. P's) motion for adjournment, made a fortnight ago. And it also showed the neglectful manner in which the business of the House was conducted, the motion which was made having been a gross violation of the rules of the House.¹⁴ This was just another evidence of the necessity for an adjournment, which was also apparent from the fact of the ministry having risen in their places on Friday night, and admitted that the business could not be brought forward in the order in which they had set it down.¹⁵ If his motion for adjournment for three weeks had been carried this mistake would never have occurred. He stated this not with the view of at all opposing the motion, but in consequence of the incongruous way in which the business of the House was done.¹⁶ An adjournment, he considered, was necessary to enable the ministry to complete their measures.¹⁷

MR. INSP. GEN. CAYLEY said that no adjournment would have prevented the irregularity.¹⁸

DR. T. FORTIER said he did not know when he introduced the motion that it was irregular. If the House admitted the principle of these grants he did not see what it had to complain of.¹⁹ [He] vindicated the original resolution which it was now proposed to rescind, and said that had it not been from a mere spirit of opposition on the other side of the House, no objection would ever have been taken to it.²⁰

Some sarcastic remarks were here made by two or three members upon the word "principle."²¹

MR. A. DORION (Montreal) thought the proceeding was very extraordinary, and was surprised that hon. members were not struck with the peculiarity of the motion when it was presented.²² The vote had been carried by surprise; the House had not been aware that such a motion was being passed.²³

DR. T. FORTIER said it was very strange that members should say that they did not know what they were doing and did not understand the business that was before the House.²⁴

Sur motion de MR. PRES. EX. COUN. MACNAB,²⁵

(179)

Notice having been taken that the Resolution of this House of Friday last, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to authorize the immediate payment of the annual appropriations granted to the Educational and Benevolent Institutions for the current year, as borne upon the Estimates of the past year, was irregular and contrary to the Rules of this House;

Ordered, That the said Resolution and Address be rescinded.

(180)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr Hincks,--The Petition of C.B. Hawley and others, of the Township of Pembroke.

By Mr. Gould,--The Petition of John H. Perry and others, of the Town of Whitby.

By Mr. Patrick,--The Petition of James Fell and others, of the Township of Augusta.

By Mr. Fergusson,--The Petition of Fountain Union Daughters of Temperance, Guelph, Canada West, and others.

By Mr. Jobin,--The Petition of Joseph Lavoy and others, of the Parish of Ste. Elizabeth, County of Berthier; the Petition of Jean B. Mégré, of the Parish of St. Ambroise de Kildare, County of Joliette; and the Petition of Joseph Ducharme and others, of the County of Joliette.

By Mr. Sidney Smith,--The Petition of Samuel A. Walford and others, of the Township of Albion; the Petition of John Frank and others, of the Township of Caledon; and the Petition of John Richardson and others, of the Township of Caledon.

By Mr. Scatcherd,--The Petition of the Municipal Council of the County of Middlesex.

By the Honorable Mr. Young,--The Petition of R.S. Tylee and others, on behalf of the Montreal Dispensary; and the Petition of the Reverend R. McGill, D.D., and others, on behalf of the Montreal Dispensary.

By Mr. Galt,--The Petition of the Corporation of Bishop's College at Lennoxville.

By Mr. Church,--The Petition of Henry Morton and others, of the Village of Burritt's Rapids and vicinity; the Petition of Thomas Maley and others, of the

Village of Kemptville; the Petition of Sarah Coyle and others, of the Township of Oxford; and the Petition of John H. Holden and others, of the Township of Walford, North Riding of Leeds and Grenville.

By the Honorable Mr. Chabot,--The Petition of Mrs. Eliza M. Massue and other Ladies, Directresses of the Charitable Association of Catholic Ladies of Quebec.

By Mr. Chapais,--The Petition of P. Dumais and others, School Commissioners of St. Louis, County of Kamouraska.

By Mr. Daly,--The Petition of Joseph Adair and others, of the Gore of Downie, County of Perth.

By Mr. Frazer,--The Petition of Port Robinson Division, No. 86, of the Order of the Sons of Temperance.

By Mr. Solicitor General Ross,--Two Petitions of the Municipality of Shefford; and the Petition of the President and Directors of the Shefford Academy.

By Mr. Brown,--The Petition of Samuel Sinclair and others, of the Township and Gore of Zone, County of Kent; four Petitions of the Ministers and Elders of the Presbyterian Church of Canada; the Petition of Birmingham Division, No. 211; and the Petition of Percy Division, No. 270, both of the Order of the Sons of Temperance; and the Petition of the Town Council of Chatham.

By the Honorable Mr. Cayley,--The Petition of James M. Hay and others, of the London Road, in the United Counties of Huron and Bruce.

By Mr. Bourassa,--The Petition of the Reverend R. Robert and others.

By Mr. Darche,--The Petition of Pierre Viger and others, of Boucherville, County of Chambly; and the Petition of P. Blanchet, of St. Mathias, County of Rouville.

By Mr. Papin,--The Petition of P.R. LaFrenaye and others.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Wood, of the Township of Halifax, County of Megantic; of James

(181)

Hunt, of the Township of Wolfestown, County of Wolfe; and of James Mitchell, of the Township of Wolfestown; praying to be indemnified for their loss of time and expenses while attending, during last Session, to give evidence before a Contested Election Committee.

Of A.B. Lafrenière and others, of the Parish of St. Guillaume d'Upton; praying that Jurors attending the Courts of Law in Lower Canada may receive compensation as do others for their services.

Of the Mechanics' Institute of Three Rivers; praying aid.

Of John Bishop and others, of the Township of Dudswell; praying aid for the construction of Roads in the said Township and vicinity.

Of W. Ritchie and others, of the Town of Sherbrooke; praying for the construction of a Road and Bridges leading from the Townships east to the said Town.

Of R.W. Bishop and others, of the Township of Weiden, County of Wolfe; praying aid for the construction of a Road, and the repair of the Bridges leading to the Town of Sherbrooke.

Of George Brown and others, on behalf of a Meeting of the Inhabitants of the County of Argenteuil; praying that the said County may be set apart for Municipal purposes; that aid be granted for the construction of Roads to the rear thereof, and for opening the Channel of the North River to the Village of St. Andrews; and that a central locality be selected for holding public meetings.

Of Samuel Dale and others, of the Township of Chatham, County of Argenteuil; praying that Town Meetings for all public purposes may be held at a more central part of the said Township than that now selected.

Of George Larue and others, of the Parish of St. George de Kakouna and other

places, County of Temiscouata; praying aid for the construction of a Wharf at Fontaine Claire, in the said Parish, and that the Seat of the said County may be established at the said Parish.

Of P. Blanchet, of the Parish of St. Mathias, County of Rouville; praying for the establishment of a Registry Office in each Parish or Township, and that each Municipality may have the nomination of its own Registrar.

Of P. Blanchet, of the Parish of St. Mathias, County of Rouville; praying for the establishment of a Court of Conciliation in this Province.

Of P. Blanchet, of the Parish of St. Mathias, County of Rouville; praying for the establishment of a system of Credit on Real Estate in Lower Canada.

Of P. Blanchet and P. Hervieux; praying for indemnity to all those persons who have been unjustly excluded from the benefits of the Act granting indemnity to Sufferers by the Rebellion of 1837 and 1838.

Of Xavier Meloche and others; and of P. Blanchet and others; praying the adoption of measures for the speedy settlement of the questions at issue between them and the Honorable James Ellice, Seigneur of Beauharnois.

Of P. Blanchet and others; praying for the abolition of the Seigniorial Tenure in Lower Canada.

Of Thomas A. Corbett and others, of the City of Kingston; praying an Act of Incorporation for the construction of a Railway from the said City to the Village of Smith's Falls.

Of the Board of Trustees of the University of Queen's College; praying for aid.

Of the Reverend D.H. Têtu and others, of the Parish of St. Roch des Aulnets, County of L'Islet; praying aid for the construction of a Wharf at the said Parish.

Of O.E. Casgrain and others, School Commissioners, and others, of the Parish of L'Islet, County of L'Islet; praying aid for a Model School established in the said Parish, under the care of the Christian Brothers.

Of Henry Taylor, of the City of Quebec; praying for aid to enable him to pub-

(182)

lish a ninth Edition of his work, entitled, "A System of the Creation of our Globe, Planets, and Sun of our System."

Of the Municipality of the Township of Howard; of the Municipality of the Township of Chatham; and of the Municipality of the Township of Orford; praying that a Charter be granted for the construction of a Railroad from Amherstburg to St. Thomas, and thence to the Niagara River, to introduce into this Province the travel which would otherwise pass on the South Shore.

Of Washington Division, No. 334; of Thamesford Division, No. 346; of Lilac Division, No. 325; of Dorchester Unity Division, No. 241; of St. Lawrence Division, No. 16; of Ingersoll Division, No. 233; of Charles Brodie and others, Members of Gough Division, No. 3, all of the Order of the Sons of Temperance; of Samuel Hills and others, Sons of Temperance, and others, of Lachute and vicinity; of William Whillow and D. Waters; of Joshua Putnam and others, of the Township of Dorchester; of William Withers and others, of the Township of Kincardine; of Peter Cannan and others, of the Township of Matilda; of William St. Jule and others, of the Township of Longueuil, County of Prescott; of Robert Robinson and others, of the Township of North Crosby; of Mrs. Sinclair and others, Wives, Mothers, Daughters and Sisters, of the Village of Westport and its vicinity; of George B. Roe and others, of the Township of Clarence; of A. Gordon and others, of the Town of Ingersoll; of John Foy and others, of the Township of East Nissouri; of Eli Gorham and others, of the Township of Whitchurch; of Mary Nixon and other Females, of the Village of Newmarket; of John W. Robson and others, of the western part of the Township of

London; of J.T. Insley and others, of the Township of Athol, County of Prince Edward; of John Hidden and others, of the Township of Dunwich; of A. Henderson and others, of the Township of Wallace, and other places; and of Alexander Grant and others, of the Township of North Easthope; praying for the passage of a Prohibitory Liquor Law.

Of the Reverend P.C. Dubé and others, of the Parish of St. Martin, County of Laval; praying that the said Parish may be made the Seat of the said County, and a Registry Office established thereat.

Of Duncan Sinclair and others, of the Township of Chatham, County of Argenteuil; praying for the passing of an Act to remove certain doubts concerning the Survey of certain Side Lines in the said Township.

Of John Mitchell and others, of the Townships of Elma and Wallace, and other places; praying for the incorporation of the Stratford and Huron Railway Company.

Of Olivier Beaudry and others; complaining of the bad condition of the Turnpike Road from St. Athanase to Spears' Corners, and praying that it may be speedily repaired.

Of Mrs. Jane McIntosh, of the Township of Cornwall; representing that her late husband died by reason of injury received while serving as a Militiaman during the Rebellion of 1838, whereby she and her family have been left destitute, and praying relief in the premises.

Of the Council of Bishop's College in the District of St. Francis; praying for aid.

Of Charles Brooks and others, of the Eastern Townships; praying that the Clergy Reserves may be appropriated to Educational purposes, and that St. Francis College, in the Village of Richmond, may be endowed out of the same.

Of John M. Jones and others, Trustees of the Charleston Academy; praying for aid in behalf thereof.

Of J.T. Taschereau and others, of the City of Quebec, and vicinity; praying an

(183)

Act of Incorporation to enable them to construct a Railway from Point Levi, opposite Quebec, to the frontier line of the State of Maine.

The Honorable Mr. Merritt reported from the General Committee of Elections, That for the reason of affording sufficient time for the Notices required by the Election Petitions Act of 1851, the Committee had extended the period for the appointment of the Select Committees to try the matter of the Petitions complaining of undue Elections and Returns for the following places:--

County of Lotbinière,--To Tuesday, the 24th October, at 10 o'clock in the forenoon, from Panel No. 1.

County of Brant (East Riding),--To Tuesday, the 24th October, at 11 o'clock in the forenoon, from Panel No. 1.

City of Quebec,--To Tuesday, the 24th October, at 12 o'clock, noon, from Panel No. 1.

County of Megantic,--To Tuesday, the 31st October, at 10 o'clock in the forenoon, from Panel No. 2.

The Honorable Mr. Merritt also reported from the General Committee of Elections, That they had selected the following days for the appointment of the Select Committees to try the matter of the Petitions complaining of undue Elections and Returns for the following places:--

County of Lenox and Addington,--Tuesday, the 31st October, at 11 o'clock in the forenoon, from Panel No. 2.

County of Kamouraska,--Tuesday, the 31st October, at 12 o'clock, noon, from

Panel No. 2.

County of Argenteuil,--Tuesday, the 7th November next, at 10 o'clock in the forenoon, from Panel No. 3.

County of Saguenay,--Tuesday, the 7th November next, at 11 o'clock in the forenoon, from Panel No. 3.

County of Drummond and Arthabaska,--Tuesday, the 7th November next, at 12 o'clock, noon, from Panel No. 3.

On motion of Mr. Mackenzie, seconded by Mr. DeWitt,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the receipts from every source, and the expenditure, on the Rideau Canal during the two last fiscal years, including the name of every officer, servant or agent, and the salary and other emoluments received by such officers, servants, and agents, or what was severally due to them during that period; and stating what sums have been received or are due for lands sold or leased by Her Majesty's Government on the line of the said Canal, or at its lower terminus.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to consolidate and amend the Laws relating to Tavern Licenses, and for the more effectual repression of Intemperance.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-sixth day of October instant.

Ordered, That Mr. Bureau have leave to bring in a Bill to avoid all doubts re-

(184)

specting the interpretation of an Act relative to the Montreal and New York Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the twenty-seventh day of October instant.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to incorporate the Members of the British North American Friendly Society of Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Hartman have leave to bring in a Bill to give Mechanics and others a Lien on buildings for work done by them to or upon the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to provide for the Public Printing and Legal Advertizing.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the thirtieth day of October instant.

On motion of MR. STEVENSON, 26

(184)

Ordered, That it be an Instruction to the Standing Committee on Printing, to enquire into the receipts and expenditure connected with the Office of Queen's

Printer, the work done and prices charged, including the tariff of charges on Legal Advertizements in the Canada Gazette, the number of copies of the Gazette usually circulated, the rates of advertizing wild lands in various localities liable to be sold for arrears of taxes, and the sums charged on the same; the charges of Binding, Stitching, Stationery, &c., for the Government, and to report thereon to this House their opinion as to whether any, and if so, what improvements appear to be required in that branch of the Public Service.

On motion of Mr. Solicitor General Smith, seconded by Mr. Crawford,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper Officer to lay before this House, all Orders in Council, Departmental Orders, papers, advertizements, and documents, relating in any way to the sale by Public Auction or otherwise, of certain Crown property at Point Levi, in which certain Members of the present or late Executive Council were concerned, or alleged to be interested.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Sur motion de MR. SOL. GEN. H. SMITH,²⁷

(184)

Ordered, That the Clerk of this House do procure from the proper Officer or Officers of the Grand Trunk Railway Company, a List of the Names of the several original Shareholders, and all additional Shareholders of the Capital Stock of the said Company, specifying the number of shares subscribed for or held in the name of each Shareholder, with the sum paid by each Shareholder on his said Stock.

Sur motion de MR. SOL. GEN. H. SMITH,²⁸

(184)

Ordered, That the Clerk of this House do procure from the proper Officer of the Court of Chancery, and lay before this House, copies of all papers, evidence, and proceedings in the said Court of Chancery, in the case of Paterson and others against Bowes, or the City of Toronto vs. Bowes; together with all papers and

(185)

documents laid before the Government of this Province relating to the subject matter of that suit.

On motion of Mr. Crawford, seconded by Mr. DeLong,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he would be pleased to order the proper Officer to lay before this House, copies of two Petitions presented by the Mayor and Inhabitants of Brockville and Cornwall, respectively, relative to the transmission of Emigrants through the Inland Waters of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Bowes have leave to bring in a Bill to confirm the City of Toronto in the possession of the Peninsula and Marsh now held by it under License.

MR. BROWN called the attention of the members of the government to the Bill.²⁹

MR. PRES. EX. COUN. MACNAB said they could tell nothing about the bill till they saw it.³⁰

(185)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Resolved, That a Select Committee, composed of Mr. Somerville, Mr. Gill, Mr. Pouliot, Mr. Polette, Mr. Rhodes, Mr. Jean Baptiste Daoust, Mr. Terrill, Mr. Samborn, Mr. Laporte, Mr. Masson, Mr. Prévost, Mr. Bourassa, and Mr. Poulin, be appointed to inquire into the defects of the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture," to report thereon with all convenient speed; with power to send for persons, papers and records.

MR. HUOT moved that a certain Pamphlet on the Seigniorial Tenure, published in French by J.C. Taché, Esq., be translated into English and published at the expense of this House, for the use of the Members thereof, inasmuch as the said Pamphlet contains information and tables necessary for the study of the Seigniorial question.³¹

MR. YOUNG and MR. FERRIE objected that if the principle were adopted, the House might be called upon to print all the books in the country.³²

MR. FOLEY would assent to the motion on condition; and that was that Mr. Lindsay's pamphlet on the Clergy Reserves should be translated into French and also published.³³

(185)

Ordered, That a certain Pamphlet on the Seigniorial Tenure published in French, by J.C. Taché, Esquire, be translated into English and published at the expense of this House, for the use of the Members, inasmuch as it contains information and tables necessary for the study of the Seigniorial Question.

Ordered, That Mr. Alleyn have leave to bring in a Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eighth day of November next.

Ordered, That Mr. Cauchon have leave to bring in a Bill to ascertain and determine the powers of the Trustees of the Quebec Turnpike Roads, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. LARWILL, moved that an Address be voted to His Excellency, for--1st copies of the proceedings of the Elgin Association, and reports thereof for each year since the incorporation of said Society down to the 10th of August, 1854.

2nd. The Quantity of the Land purchased by the said Corporation; the conditions of purchase; the sum to be given per acre; the time and terms of payment, if they have been complied with, and, if not, why not? A copy of all such rules and regulations touching the management and disposition of the Lands, properties, estate, and effects of the said Association.

3rd. The number of public buildings erected, their location, dimensions, uses, and cost of construction; of the settlement and improvement of the said lands, the quantity of land sold, leased, or otherwise disposed of; the number of the lot or part of lot; the number of acres contained therein, the number of acres cleared and enclosed, the price paid per acre therefor, or the annual rent

thereof, together with all other conditions of said purchase.

4th. An account of the receipts and expenditure of the said Association.³⁴

MR. BROWN said that although he had no doubt the company would be willing to grant any information in their power, they had no officer to furnish this information and it would put them to great expense. Unless it could be shown that some object was to be gained, he hoped the motion would not be adopted.³⁵

MR. AT. GEN. J.A. MACDONALD said that, by their charter, the company were obliged to furnish al (sic) the information asked for.³⁶

(185)

On motion of Mr. Larwill, seconded by Mr. Macbeth,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will direct the proper Officer to lay before this House, 1st. Copies of the Proceedings of the Elgin Association, and Reports thereon for each year since the incorporation of the said Society down to the 10th of August, 1854. 2ndly. The quantity of the Land purchased by the said Corporation, the conditions of purchase, the sum to be given per acre, the time and terms of payment, if they have been complied with, and, if not, why not?

(186)

And a copy of all such rules and regulations touching the management and disposition of the Lands, properties, estate, and effects of the said Association. 3rdly. The number of public buildings erected, their location, dimensions, uses, and cost of construction; of the settlement and improvement of the said lands; the quantity of Land sold, leased, or otherwise disposed of; the number of the lot or part of lot, the number of acres contained therein, the number of acres cleared and enclosed, the price paid per acre therefor, or the annual rent thereof, together with all other conditions of said purchase. 4thly. An account of the receipts and expenditure of the said Association.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 12th instant, for copies of Correspondence which may have taken place between the Imperial and Colonial Governments with respect to the withdrawal of the Troops:--

(Military--No. 17.)

Downing Street, 11th August, 1854.

My Lord,--The War in which, in conjunction with our Allies, England is engaged with Russia, has led the people of this Country, as Your Lordship is aware, to make extraordinary exertions in order to supply Her Majesty with the means of prosecuting it with vigour and efficiency. A large British Force has been landed in Turkey, and is engaged in important military operations in the East. It has been raised partly by the additions readily voted by Parliament to the ordinary strength of the Army, and partly the withdrawal of Troops from their usual stations in different parts of the United Kingdom, their place, where necessary, having been supplied by Regiments of Militia, embodies for that purpose.

Reinforcements, however, continue to be required, and, desirous of meeting these demands, Her Majesty's Government have turned their attention to the

practicability of bringing home some of the Regiments which are on service in the North American and other Colonial possessions of the Crown.

Fortunately the character of the War renders this resource available without risk to the security of the Colonies against external aggression. Her Majesty's Government fully recognize the duty and responsibility of affording to them protection against any such aggression, and the strength of the Empire would be put forth in defence of any part of it which might be placed in jeopardy from such a cause. But the blockade of the great maritime outlets at the opposite extremities of Russia has intercepted her fleets, and disabled her from injuring the foreign possessions of the Crown, while the friendly relations subsisting between Her Majesty and all other Foreign Powers forbid the apprehension of attack from any other quarter.

Her Majesty's Government, therefore, think it expedient that the portion of the Army which is now in the Colonies should contribute its quota to the Forces actively employed in the present War.

I am informed by the Duke of Newcastle that he personally consulted with Your Lordship, during your residence in England, on the proposed withdrawal of a portion of the Troops from Canada, and that he had the benefit of your views respecting it. It is His Grace's intention to send orders to General Rowan for the return to England of three Regiments of Infantry and three Companies of Artillery.

(187)

Upon their withdrawal, the regular Force in Canada will consist of the Royal Rifle Regiment, one Regiment of Infantry to be maintained at a strength of 850 men, and two Companies of Artillery, and will be distributed between the fortified positions of most importance, namely, Kingston and Quebec, the Rifles being stationed at the former place.

This arrangement, as you will remember, is in accordance with the general intention expressed by Lord Grey in his Despatch of the 14th March, 1853, and there appears to be nothing in the present condition of affairs to require the continuance of a more extended military occupation.

Her Majesty feels that the internal tranquillity of the Province may be safely confided to Her Canadian subjects.

Their Addresses to the Throne, on the occasion of this War, have expressed the most gratifying assurances of loyalty and attachment, and I entertain no doubt that they will cheerfully acquiesce, so far as they are concerned, in those measures which are thought requisite by Her Majesty's Government for the common interests of the Empire, and for the attainment of a safe and honorable peace.

I have, &c.,

(Signed,) G. Grey.

Governor the Right Honorable

The Earl of Elgin and Kincardine, K.T.,
&c. &c. &c.

(Military--No. 18.)

Downing Street, 18th August, 1854.

My Lord,--With reference to my Despatch, No. 17, of the 11th instant, I have to acquaint Your Lordship that it is intended that the strength of the Regiment which will remain in Canada, after the withdrawal of the other three, should be increased to 850 rank and file.

I have, &c.

(Signed,) G. Grey.

The Right Honorable

The Earl of Elgin and Kincardine, K.T.,
&c. &c. &c.

Mr. Bellingham moved, seconded by Mr. Ferres, and the Question being put, That the Petition of the Trustees of the Academy of St. André d'Argenteuil, praying for aid, and the Petition of Edwin Pridham and others, of the Counties of Argenteuil and Ottawa, and others, praying aid for the construction of a Bridge over the River Rouge, in the Township of Grenville, be severally printed for the use of the Members of this House; the House divided:--And it was resolved in the Affirmative.

Sur motion de MR. TACHE,³⁷

(187)

Resolved, That a Select Committee, composed of Mr. Taché, the Honorable Sir Allan N. MacNab, the Honorable Mr. Morin, the Honorable Mr. Chauveau, the Honorable John Sandfield Macdonald, Mr. Cauchon, Mr. Langton, Mr. Foley, and Mr. Laberge, be appointed to assist Mr. Speaker in the direction of the Library of Parliament, so far as the interests of this House are concerned; and to act as Members of the Joint Committee of both Houses.

Resolved, That a Message be sent to the Honorable the Legislative Council, communicating to their Honors the Resolution appointing certain Members of this House as Members of the Joint Committee of both Houses for the regulation of the Library of Parliament.

Ordered, That Mr. Taché do carry the said Message to the Legislative Council.

(188)

On motion of Mr. Antoine Aimé Dorion, seconded by the Honorable John Sandfield Macdonald,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a copy of all Despatches and Correspondence between the Imperial Government and the Government of this Province, relative to the proposed changes in the Constitution of the Legislative Council with the view of making it elective, and relative to an Act of the Imperial Parliament to authorize the Legislature of Canada to modify the Constitution of the Legislative Council of this Province, and for other purposes.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Charles Daoust, seconded by Mr. Darche,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a copy of all Correspondence which has passed between the Superintendent of Education for Lower Canada, and the School Commissioners of the School Municipality of St. Clément de Beauharnois, with respect to the difficulties which have arisen between the said Commissioners and certain persons resident in the said Municipality, or elsewhere, relative to the engagement of the Brethren of the Christian Doctrine as Teachers in the Academy of Beauharnois.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Southwick have leave to bring in a Bill to amend the Act incorporating the Port Burwell Harbour Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of MR. LEMIEUX,³⁸

(188)

Ordered, That it be an Instruction to the Committee of the Library of Parliament, to ascertain whether the extensive Library of the late Chief Justice Sir James Stuart, Baronet, consisting of the choicest works on Law, History, and Literature, is to be disposed of, and if so, the terms on which, in whole or in part, it may be obtained, with the view of perserving it for the use of the Legislature, and of placing it as hereafter may be determined.

Sur motion de CAPT. RHODES,³⁹

(188)

Ordered, That the Return relative to the removal of the Troops, which was presented this day, be printed for the use of the Members of this House.

MR. GALT moved the appointment of a Select Committee of twelve members.⁴⁰ In moving for a Committee to examine and report upon the present system of management of the Crown Lands, and the various dues arising therefrom, together with the present mode of selling, leasing, and otherwise disposing of the same, [he] said that the subject was one of great importance, and the Commissioner of Crown Lands was willing to afford every means of assisting the inquiry. (Mr. Galt then submitted the names of the members to constitute the Committee.)⁴¹

MR. COM. CR. LANDS MORIN said that the Government could have no objections to the appointment of such a committee.⁴²

MR. GALT spoke briefly to his motion. He thought it would be admitted that there was no subject which could come under the consideration of the House, more deserving the attention of the members than the management of the Crown Lands.⁴³

MR. MERRITT would have liked that the names of some of those who were on former committees should have been on this, that the attention of the committee might be called to the information already before the House. In⁴⁴ 1845⁴⁵ an investigation was entered into by a committee of twelve gentlemen, including Mr. Papineau, then Commissioner of Crown Lands, and himself (Mr. Merritt). The investigation occupied them for three months, and what was the result? It showed that they had then appropriated thirty-six million acres of the lands of the Crown, and that twenty millions⁴⁶ [OR] 120,000,000 of acres,⁴⁷ still remained to be appropriated, which at a valuation of from 1s. to 8s. per acre, represented a value of £4,000,000, and this invested at 5 per cent,⁴⁸ [OR] six per cent,⁴⁹ would have yielded £200,000 a year. The Committee also showed that there were expended in this Crown Lands Department upwards of £27,000 a year out of the Provincial Funds⁵⁰. That committee recommended the abolition of the Crown Land Department; that the scrip be rendered valueless after 1846; and that⁵¹ the monies [be] paid over to the Receiver General in the same way as all other public monies. They recommended also that the whole proceeds of the public lands should be appropriated for Common Schools, and District Libraries.⁵² This was unanimously recommended⁵³. All these recommendations were neglected by the Government in the same way as the Government would neglect the report of the committee, now to be appointed. Only one object was gained by the committee of 1844 (*sic*), the passing of a Bill pledging the country to appropriate the whole of the lands for education, but that had not been acted upon, and £50,000 were taken out of the public revenues of the country for schools, instead of being taken out of the lands.⁵⁴ The committee also contrasted this system with that in operation in the State of New York, quoting from Governor Wright's Message on the subject.⁵⁵ In the State of New York the public lands were appropriated for the benefit of Common Schools and District Libraries, and now the yearly revenue from that source⁵⁶, a very inferior quantity of land to what we

possessed⁵⁷, was \$400,000. In Canada by the last public returns, the amount was only £1,400. After this investigation to which he had referred, not a thing was done by any succeeding Administration. Mr. Papineau did nothing. Mr. Macdonald (Kingston), for a time Commissioner of Crown Lands, did nothing.⁵⁸

MR. SOL. GEN. H. SMITH said that that gentleman was only there for six weeks.⁵⁹

MR. MERRITT.--Then of course, he had not much time to attend to the subject; but, at all events, he was succeeded by Mr. Price, who did nothing to curtail expenses, though he appropriated the lands for schools. Well, in 1848 he (Mr. Merritt) came into the government, and for the avowed object of retrenching the public expenditure. He was allowed by the government to enter into an investigation of every one of the departments and did so thoroughly, and with the assistance of the able Clerks of the Executive Council he was enabled to acquire all the necessary information: but the result was, that he (Mr. M.) could make no impression upon his colleagues. Then they had a Committee appointed in 1850. The present Inspector General was upon it and took an active part in its investigation: but what was the result? He (Mr. M.) found by a table which was produced that the receipts in the Crown Lands Office amounted to upwards of £80,000 a year, and that out of this sum only £16,000 was paid into the Public Treasury, the rest was all consumed in expences and waste. Now, he called on the present Committee to take into consideration another very important point, namely: that £6,650 was paid by the country to indemnify the Indian tribes for the lands bought from them, and that the government had neglected to appropriate those lands, even for the purpose of repaying interest. In order to show that a change could take place in the Crown Lands Department, he would refer to the state of things in Upper Canada in relation to Crown Lands. From the time of the first settlement of Upper Canada⁶⁰ the whole country had to be surveyed with districts, counties, townships and 200 acre lots, and the whole was managed by Mr. Ridout, the Deputy Surveyor General, assisted only by three or four Clerks.⁶¹ The expence was paid out of the land; the result was most satisfactory for the country. In 1827 a change took place in Upper Canada by the creation of the Crown Lands Department, Mr. P. Robinson being appointed a Com. of Crown Lands.--The department continued for ten years, after which it was discovered that the expences had risen without corresponding advantage to the public and the result of the system at this time was, that the whole of the lands were consumed in expences, as well as all monies due upon lands prior to this department being created.⁶² The expenses increased so much that in 1837 the Finance Committee of the Legislative Assembly recommended that it should be abolished. The same course, he contended, should be pursued now, for according to the present system not only did they take the whole of the lands to pay the expenses, but to make up the deficiency they had to take out of the revenue from timber, in order to meet the expenses of giving away the lands. The Canada Company, on the contrary, had their shares of £100 at a premium, although only £32 10s. a share had been paid in.⁶³ Now if he (Mr. M.) thought, that there were any chance of any useful investigation taking place, he would rejoice in it, but he had no faith that any good would be done by any Committee, because if they looked back they found no good result from former ones. In 1846, a Committee was appointed, and it appears that out of the Clergy Reserves Fund £16,000 was paid to meet the expenditure of the department. The Bishop of Toronto was entitled to high consideration for the careful supervision that he exercised over the clergy Fund. He complained of that and the government agreed to reduce the charge to 6 per cent on the receipts; but

as the country still spent £10,000 a year, it lost some £30,000 a year by the change, that is if the previous rate of charge is correct. Thus was a responsible government created to sell lands, and now we see the result.⁶⁴ Il était décidé que pour l'avenir on n'y prendrait plus que 6 pour cent, parce qu'il était prouvé qu'on pouvait les gérer pour cette sommes (*sic*). Mais comme la dépense de la province encourue pour la gestion des terres du clergé, d'après le système de gaspillage qui existe, est encore de 40 pour cent sur les recettes, le peuple perd 34 pour cent. Il ne blâme personne pour ces maux; mais il blâme le système, qui peut être changé très facilement⁶⁵. In proof of what he asserted he would direct members to the Report of 1844, and of the Committee of 1850. He would also beg the committee to examine into these Reports thoroughly, and before they made their report to ascertain whether the statements in them are true or not; and further he would remind the Committee that he should be happy to give them any information upon this subject which they might require. He would like to know what was the reason of this expenditure. He did not attribute it to any one Crown Lands Commissioner, but to a system which neither he [n]or any other man could remedy. He felt a most lively interest in the matter. In 1849, when he was in the government, a policy was adopted which had not since been adhered to, namely, that the Crown Lands Department were to appropriate the whole of the land for the Common Schools and district Libraries, under the Bill of the Hon. J. Price. As that had not been adhered to, he intended laying upon the table the following day a motion for an Address to the government to enquire why the proceeds of the Lands had not been applied under the act of 1849 to the objects for which they were intended; for he would undertake to say, that they had not been so applied, though there was no provision in that act for laying out the money⁶⁶ as had been done according to the report of 1853, and the Government had no right to lay out one farthing of that money for any other object than was pointed out by the Act.⁶⁷

MR. COM. CR. LANDS MORIN.--Of course could not say, why other members were not put on the committee, but he certainly believed that those gentlemen who were named on the committee would be the proper persons to investigate this subject. He (Mr. M.) had every wish to pay attention to what was done on the former committee. Mr. Henderson was one of the enquirers at the time, and perhaps the Commissioner for Crown Lands was also one, and before this committee came to any conclusion it would be their duty to see all that had been done before. They would have to aim at the same results, but would take a different course in obtaining them, and he thought that the plan proposed by Mr. Merritt was calculated to improve the system. The object was to apply the produce of all lands for the creation of a School Fund. But he (Mr. M.) believed that the proposed committee was a good one. If the honorable member for Lincoln's plan were adopted the present mode of dealing with squatters could no longer be maintained.⁶⁸ A separate department, he considered, was necessary, in order to settle the many conflicting claims that arose from lands being taken possession of by squatters. If the plan of the hon. member for Lincoln were adopted, it would be impossible to consider the claims of those who had thus settled the lands, but they would have to be knocked down to the highest bidder.⁶⁹ It was true that the rights of squatters could not be legally enforced, but the practice was, to confirm them in their possession. The expences of the department were necessarily great. The surveys had cost £25,000 he supposed. Last year and the year before, it was decided to give certain sums to improve the country, and further surveys, explorations, and enquiries, would cost the government a great deal more.⁷⁰ Néanmoins les recettes du département sont beaucoup

augmentées depuis deux ans.⁷¹ There was a great deal of good land which could be disposed of, although in some parts it was very bad. Then as to the management of the School Lands, Clergy Lands, Jesuits Fund and Domain in Lower Canada, and the Timber, all those create the expences of the Crown Lands Department. In some parts of the province the lands were sold for cash, and in others for one-tenth cash and the rest credit, and there was always great difficulty of course in getting the money paid. The school fund had not been omitted by the government in making these provisions, £63,000 or £64,000 had already been realized from the sale of lands, which was a beginning, but he did not know whether the investment of that sum had taken place or not. He could not say what part of that came from the Special Fund or what part from the General Fund. Now what sum would the honorable member think had been paid into the Crown Lands Department, since he (Mr. M.) had been there, to the Receiver General; the whole of it was not for lands but the total amount paid was £200,000. The price of lands had increased a great deal in Lower Canada. Timber had not been this year a profitable business, the Clergy Lands, Jesuits Funds and Donations had yielded largely, and the amount paid over was, as he had just stated, exclusive of the expences of the Department. The Department, therefore, would have to sell the lands. There was another matter which was rather a legal one, the hon. member for Lincoln had an objection to take any portion of the produce of the sale of school lands to make roads in the very vicinity of those lands. Now he (Mr. Morin) believed that the establishing [of] these roads would improve the school lands but that was a question of fact, and he had no objection that it should be considered by the Committee, but there was no doubt that roads would make the lands more valuable and sell quicker. With these remarks he must say that he thought the labor of the Committee would be usefully employed. He hoped that the Educational Fund would continue, and become much larger.⁷²

MR. SOL. GEN. H. SMITH always paid great attention to what the honorable member for Lincoln said, because that gentleman had so much experience upon all these measures connected with the public lands of the country. But he must confess it was somewhat singular that the observations of the hon. gentleman had a contrary effect upon him to what that hon. gentleman evidently intended. Now the hon. gentleman would lead the House to believe that no good could emanate from the proceedings of this committee, but honorable members must think otherwise *(sic)* they had paid attention to the honorable gentleman's *(sic)* remarks. He would beg to remind the honorable gentleman of what took place between them (Messrs. Merritt and Smith) in 1852, when he (Mr. S.) was a member of the opposition. He (Mr. S.) then took upon himself to give a notice of motion for the purpose of going into this matter, and knowing that no honorable gentleman had a better knowledge of the department than the honorable gentleman opposite, (Mr. M.) he, (Mr. S.) spoke to him upon the matter and shewed him the notice, and mentioned to him the expenses attending the operations of the Crown Lands Department, the great number of clerks and so on. He made this answer, "All that you say is very good, but Sir, the great defect is in the system." Well, he, (Mr. S.) considered what that honorable gentleman stated, and found that there was a great deal of truth in it, but in consequence of the House breaking up at the time, he did not go on with the motion, but the observations made then would certainly have induced him to take the very course which the honorable member for Sherbrooke had now taken. That honorable member's object was to enquire into the whole matter from the beginning, and for the committee to endeavor to lessen the expences, in order to increase the revenue of the country, and when the honorable member for Lincoln told them that no good would result from the action of this committee, he

(Mr. S.) would tell him that from the action of that honorable gentleman on other committees, the country had derived a great deal of good, if the honorable gentleman were to be placed upon the proposed committee, benefit would also result. The scrip system had in fact been discontinued through the action of the honorable member for Lincoln on the old committee, as also the system of free grants, and was in consequence of the report that was made by the honorable gentleman and others when the Parliament was in Upper Canada, that all those old grants to soldiers and sailors were abolished, and (Mr. S.) anticipated that a great deal of good would result from the Report of this Committee which had been selected by the hon. mover. He (Mr. S.) was not in the habit of paying compliments to political opponents, but he thought the honorable mover possessed sufficient application to enable him to go into this investigation, although he (Mr. S.) would inform him that he had grappled with a most intricate subject, and that a great deal of his valuable time would be taken up. He was glad to see that the honorable mover did not flinch from the responsibility. It was pleasing however to know that £63,000 had already been devoted to the purposes intended by the act of 1847, and he had no doubt but that the sum would very soon increase. If the honorable member for Lincoln wished to be on the committee, he (Mr. S.) had no objection, as he could give the committee the benefit of this experience upon the subject before them.⁷³

MR. GALT expressed a willingness to add the name of Mr. Merritt⁷⁴.

(188)

*Resolved, That a Select Committee composed of Mr. Galt, the Honorable Mr. Morin, the Honorable John Sandfield Macdonald, the Honorable Mr. Hincks, the Honorable Mr. Rolph, Mr. Lemieux, Mr. Jean Baptiste Eric Dorion, Mr. Langton, Mr. Fergusson, Mr. Fortier, Mr. Egan, the Honorable Mr. Merritt, and Mr. Cauchon, be appointed to examine and report upon the present system of management of the Public Lands, and the various dues arising therefrom, together with the present mode of selling, leasing, and otherwise disposing of the same, to report thereon with all convenient speed; with power to send for persons, papers, and records.*⁷⁵

The Order of the day for the second reading of the Bill to enforce the enregistration of Titles to Lands in the Townships of Lower Canada, being read;

DR. T. FORTIER moved the second reading of the Bill to enforce Registration of Titles in the townships of Lower Canada.⁷⁶

MR. COM. CR. LANDS MORIN suggested that it would be better to let it lie over till the return of Mr. Drummond to-morrow.⁷⁷

MR. GALT, amidst the laughter of the House,⁷⁸ read the first clause, to give the House an opportunity of understanding the sort of bill they were asked to assent to. The first clause empowered any body to take possession of any wild lands, to register his intention to purchase the same; and provided he should pay for it the same price, and at the same times as the Crown Lands in the neighbourhood, the real owner having a right of resumption till a certain time, on condition of his paying for all the improvements and giving the person who had taken possession, 30 percent for the use of the money he had employed.⁷⁹

MR. SANBORN said, in reply to a suggestion to postpone the second reading, that he saw no necessity to do this; as any government could at once say whether they approved of the principles of the bill, which gave a title to land by mere possession, and gave any body a right to take possession of any other body's land.⁸⁰

MR. BROWN said he much feared that the hon. and orthodox member for Nicolet (Dr. Fortier) came under the designation of a Socialist.--(Laughter.)⁸¹

MR. SOL. GEN. H. SMITH.--There is at least a precedent for this Bill. Every one who has read "Ten Thousand a Year," must remember the Bill to give everybody everything. (Renewed laughter.)⁸²

Some further conversation [occurred].⁸³

DR. T. FORTIER consented to the postponement of his Bill.⁸⁴

The second reading was postponed till the return of Mr. Attorney General Drummond, who is in Montreal.⁸⁵

(188)

Ordered, That the Bill be read a second time on Thursday next.

(189)

The Order of the day for the second reading of the Bill to promote the settlement of all Civil Actions by Arbitration in Upper Canada, being read;

The Honorable Mr. Merritt moved, seconded by Mr. Hartman, and the Question being proposed, That the Bill be now read a second time;

MR. AT. GEN J.A. MACDONALD, ridiculed the bill, amid roars of laughter as a thing utterly preposterous, and that could not be entertained by the House. Whatever might be said in favor of the principle of forced arbitration that the bill could not be entertained.⁸⁶ He did not believe the hon. mover had drawn it, or we should have had something more practical.⁸⁷

MR. MERRITT said that the Bill was drawn up by a lawyer in London, but it fully met his views.⁸⁸ It contained some details he did not approve of, but he did of the principle, and he would have it read a second time to refer to a special committee, for the purpose of rendering it perfect. The country was in favor of the principle of forced arbitration.⁸⁹

MR. AT. GEN. J.A. MACDONALD, to show the impracticable nature of the Bill, said that it deprived the subject of some of his dearest rights. It was the privilege of every one to claim the protection of courts; but this bill took it away. It provided that when a person sues another for debt, the person sued may then claim an arbitration. The creditor may have waited for years; but he could not have claimed an arbitration, which is only to be granted to the debtor, when he is sued. It would, he believed, cause very great expense, as it provides that the arbitrators shall be at liberty to charge as much as arbitrators can now charge. There was no fixed rate of charge; arbitrators charge what they like.⁹⁰ The delays and expenses of Chancery would be nothing to what they would be under this Bill. In illustration of what might be expected under a compulsory arbitration system, Mr. Macdonald mentioned a case in Kingston, where two partners went to an arbitration about a matter of £33, and the costs came to £600, of which he believed his learned friend beside him (Sol. Gen. Smith) got the greater part.⁹¹ He went on to show up some of its impracticable and absurd provisions; and concluded by moving that it be read this day six months.⁹²

(189)

The Honorable Mr. Attorney General Macdonald moved in amendment to the Question, seconded by Mr. Solicitor General Smith, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. HARTMAN thought the bill was drawn by somebody who wanted to bring the principle of arbitration into ridicule, and said a more effectual mode could not

be taken to accomplish that object.⁹³ The bill, although very defective, ought to go to a Committee, in order that the principle of arbitration might be embodied in a bill⁹⁴ properly drawn on the subject.⁹⁵

MR. SOL. GEN. H. SMITH then reisted (sic) the case referred to by the Attorney General. Two merchants, both of the same church, selected two arbitrators, also of the same church, and got the parish priest for a third arbitrator. He (Mr. S.) was engaged to attend to this great arbitration suit. It last[ed] 20 days; and cost about £600 to settle a matter of £400.⁹⁶ The amount at issue was only £30, but the cost came to £500. He did not however entirely oppose the principle of arbitration.⁹⁷

MR. FOLEY said if the gentleman (sic) on the other side had shown half so much ingenuity in amending this bill as they had in pulling it to pieces, they might have made a good bill of it.⁹⁸ The people of Canada generally were strongly in favour of the principle of arbitration, which often saved much time and expense.⁹⁹ The legal fraternity brought down much odium on themselves by opposing it.¹⁰⁰ The Kingston case he believed was a singular one, and another like it could not be produced. Practice must have become very sharp in Kingston to enable lawyers to draw £600 out of a suit of £30.¹⁰¹ He then went on to show how, in his opinion, the bill might be amended, so as to make it workable. He did not think it a very bad bill after all; it was just about as good a bill as any one not conversant with the working of acts of Parliament would be likely to draw. He thought it ought to be read a second time for the purpose of affirming the principle and [they should] send it to a Committee.¹⁰²

MR. AT. GEN. J.A. MACDONALD said there was a good system of arbitration in operation now; but this was a compulsory system, in the most offensive form. He was in favor of compulsory arbitration under proper safeguards; but what was the use of sending this bill to a committee, as it would have to be renewed lock, stock and barrel.¹⁰³ If the honorable member for Lincoln would withdraw this bill and have another drawn up more carefully, it might receive his support and probably pass this session.¹⁰⁴

MR. J.S. MACDONALD (Glengary) opposed the Bill. He could not agree with Mr. Foley in the opinion that there was any prevalent desire in Upper Canada for a system of arbitration. His own experience was, that when a party had entered into an arbitration race, he was not at all likely to try it a second time.¹⁰⁵

MR. MERRITT had not been convinced by any thing said that his bill might not be read a second time and referred to a special committee.¹⁰⁶

MR. S. SMITH of Northumberland said this was no bill at all, and he could not vote for a nuisance. There was no power in the bill to compel an arbitration at all. He went over the various clause[s] pointing out the objections to them. The power to swear the arbitrators introduced a novel principle and was objectionable. At present the arbitrators are indifferently selected and the parties rely upon their honor. The power given by the bill to the arbitrators to examine the parties was objectionable; the same thing having been tried in the Courts of Upper Canada and the provis[i]on had to be repealed after a year's trial. A bill for arbitration, put in a reasonable shape, should have his support.¹⁰⁷

MR. BOWES said this was just such a sort of bill as ought to go before a committee, if honorable members approved of its principle.¹⁰⁸

MR. LARWILL took the same view.¹⁰⁹

MR. COM. PUB. WORKS CHABOT, in French, said the Upper Canadians had no experience of arbitration; but in Lower Canada they had; and it was found to be

very costly. If the bill were passed it would not prevent litigation but increase it. For instance, in the case of a promissory note which could be proved in a minute; if the defendant, when there was no ground to dispute the facts, insisted on an arbitration, delays would be incurred and cost increased unnecessarily. If, however, the Upper Canadians insisted on having the bill the Lower Canada members would vote for it.¹¹⁰

MR. SOL. GEN. D. ROSS also opposed the bill.¹¹¹ He pointed out several objections to the bill.¹¹²

MR. FERRES called the bill, as it stood, an universal error; but suggested that if a bill establishing arbitration courts be passed it ought to apply to Lower as well as to Upper Canada.¹¹³ [He] approved of the principle of arbitration as practiced in Lower Canada, and contended that, with some exceptions, it was as good a system as could be devised. He condemned this bill at some length, and said there was really nothing in it to read a second time.¹¹⁴

DR. CLARKE suggested that, as this bill was entirely worthless, a committee should be appointed to draft a bill for this purpose.¹¹⁵

MR. MCKERLIE could not understand how those in favor of the principle of arbitration could refuse to have the bill read a second time and referred to a special committee.¹¹⁶ The bill ought to go to a Committee; where every clause of it might be taken out and others substituted, if necessary. It was unfair that members on either side of the House should admit the principle to be good and refuse to vote for the bill.¹¹⁷

MR. BROWN said he was opposed to the principle of compulsory arbitration. The carrying out of that principle, it appeared to him, would be simply setting up another Law Court. What was a court of Law or equity, but simply a court of compulsory arbitration? The honourable gentleman's proposal was simply to change the system of procedure in suits at law, to enable one of the parties to transfer a suit from the existing judges to other judges. What was the object of this? To avoid juries? If this was the object, and there might be a great deal said against the jury system as now followed, let him go at once at that point and remedy the evils alleged. Was it to render law decisions more expeditious? He greatly doubted whether any gain would be made by erecting courts of businessmen, all engaged in other avocations, difficult to be found, and still more difficult to be assembled day after day, when they were found. And if the hon. gentleman's object was to save expense, he (Mr. Brown) much feared that this was the last way of securing that end. Arbitration might be expeditious and satisfactory in their results, but currently they were not cheap courts. In regard to voluntary arbitration, however, the case was different. Many cases of difficult accounts arose in which either party might honestly think he had a right against his opponent. A provision in such cases that an offer of arbitration made by either party at the commencement of the suit, and refused, should affect the costs of the proceedings before the Courts, would be very beneficial. And some machinery for securing judicial results from voluntary arbitrations would be another great improvement. If the hon. gentleman would take up the suggestion of facilitating voluntary arbitration, he would be happy to support him.¹¹⁸

DR. SOUTHWICK [said] ... a few words ... which the reporter could not hear.¹¹⁹

(189)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Biggar, Bourassa, Brown, Cauchon, Cayley, Chabot, Chapais, Chauveau, Clarke, Daly, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Fergusson, Ferres, Fortier, Fournier, Freeman, Gill, Gould, Holton, Jackson, Jobin, Labelle, Laporte, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, Mattice, Mongenais, Angus Morrison, Papin, Patrick, Polette, Powell, Rankin, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Taché, and Terrill.--(49.)

NAYS.

Messieurs Aikins, Bell, Bowes, Bureau, Burton, Church, Charles Daoust, Darche, DeWitt, Dostaler, Dufresne, Ferrie, Foley, Frazer, Guévremont, Hartman, Larwill, Lumsden, Roderick McDonald, McCann, McKerlie, Matheson, Merritt, Munro, Poulin, Prévost, Scatcherd, Thibaudeau, Valois, and Wright.--(30.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to protect the Employés of the Government of this Province in certain Departments of the Public Service, from being compelled to labor on the Lord's Day, being read;

Ordered, That the Bill be read a second time on Monday the thirtieth instant.¹²⁰

The Order of the day for the second reading of the Bill to secure the more convenient assembling of the Provincial Parliament, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to incorporate the Town of Whitby, and to define the limits thereof, being read;

MR. HARTMAN moved the second reading of the bill to incorporate Whitby.¹²¹

MR. AT. GEN. J.A. MACDONALD said he had great objections to permit infringements on Mr. Baldwin's municipal bill, under which villages and towns could be incorporated, without reference to Parliament; but he understood there were special reasons in this case; and he must protect against its being drawn into a precedent.¹²²

MR. GOULD said that Whitby had been called upon to subscribe to certain railways; and if it had to go through the ordinary process of incorporation, in order to put it in a position to do so, too much time would be consumed before it could vote the aid asked from it. There was perfect unanimity among the people on the subject of incorporation.¹²³

(190)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the County of Middlesex to negotiate a loan of One hundred thousand pounds to consolidate the County Debt, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to incorporate a Company for the purpose of constructing a Road from Amherstburg on the Detroit River, until it intersects the different lines leading to the Niagara River, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to vest in Edward Shortis, Esquire, the Road or Concession allowance between Lots numbers fifteen and sixteen, in the Sixth Concession of the Township of Thora, being read;

Ordered, That the Bill be read a second time on Wednesday the twenty-fifth day of October instant.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto Athenaeum, being read;

Ordered, That the Bill be read a second time on Wednesday the twenty-fifth day of October instant.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture," being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to provide for the holding of the several County Courts in Upper Canada in case of the illness or unavoidable absence of the County Judge, being read;

MR. AT. GEN. J.A. MACDONALD remarked that there were several bills before the House relating to the County Courts; and that the whole subject would have to be taken up by government; when he would be glad to obtain the assistance of the hon. member for South Wentworth.¹²⁴

(190)

Ordered, That the Bill be read a second time on Monday the thirtieth day of October instant.

The Order of the day for the second reading of the Bill to allow Notaries to receive the advice of relations and friends without being thereunto authorized by a Judge in all cases in which the Judges may delegate their powers to Notaries, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Prévost, the Honorable Mr. Attorney General Drummond, Mr. Dufresne, Mr. Laberge, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to authorize the

(191)

Creditors of Public Officers to attach by Saisie Arrêt after Judgment, the salaries and emoluments of the said Officers, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Marchildon, Mr. Solicitor General Smith, the Honorable John Sandfield Macdonald, Mr. Jobin, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill further to amend the Act, intituled, "An Act to incorporate certain persons under the name of the Quebec Friendly Society," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Canada Ocean Steam Navigation Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the House in Committee on the Bill to incorporate the Masson College of Terrebonne, being read;

The House accordingly resolved itself into the said Committee;

MR. PREVOST [propose] ... que la première clause fût lue¹²⁵.

MR. BROWN said there were some slight objections to this bill; it was a remarkable bill in some respects.¹²⁶ It was to incorporate what was called a College, but as to the character of the College it gave no information. There was no provision as to how the establishment was to be conducted, or what branches were to be taught. He thought the better course would be to send the Bill to a special committee. Nothing, he believed, could bring more contempt on our educational system than having a number of little Seminaries scattered all over the country under the title of Colleges.¹²⁷

MR. J.S. MACDONALD (Glengary) said that the bill, on the face of it, appeared to interfere with private rights, and should therefore be sent to a special committee. He had never known a single bill of that description passing the Legislature without that course being taken.¹²⁸

MR. FERRES objected to the bill. It seemed intended to incorporate the curé and the church warden, and thus to give the institution a religious character;¹²⁹ he objected decidedly to increasing such corporations in Canada.¹³⁰ Le Collège McGill a été établi pour l'éducation protestante; mais on a changé ses règles, et aujourd'hui il n'a aucun caractère religieux. On a bien fait; mais le même système doit être suivi partout.¹³¹

MR. COM. CR. LANDS MORIN dit que les non-sectaires font une secte comme tous les autres; et leurs doctrines ne sont pas des plus libérales. Quel mal font les institutions pour l'éducation religieuse? Celle dont il s'agit est très importante pour le district de Montréal, où elle est déjà favorablement connue.¹³² This institution was already in existence and was well known over Canada. And, if the curé and church-wardens had with the help of the Masson family carried it to its present state of efficiency, he did not see what objection there could be to their incorporating it so as to place the Institution on a permanent basis.¹³³ [Elle] ne veut autre chose que d'être incorporée afin que ses directeurs puissent agir comme corps légal.¹³⁴ A good commercial education was given in the Institution as well as instruction in the higher branches.¹³⁵

MR. FERRES asked why, if it was for purposes of general education, the management of it should be confined to the curé and church-wardens.¹³⁶

MR. COM. CR. LANDS MORIN.--Because they are at the head of it, and have taken all the trouble with it.¹³⁷

MR. FERRES.--It gives a religious character to the Institution.¹³⁸

MR. COM. CR. LANDS MORIN.--What harm is there in that? The non-sectarians themselves are a sect, and not the most liberal one.¹³⁹

MR. A. DORION (Montréal) croit que les messieurs qui s'opposent à ce bill ne peuvent pas savoir qu'on ne demande aucune subvention publique pour le collège dont il s'agit. Il comprend tout l'inconvénient de donner les deniers publics pour l'éducation de secte; mais il n'y a rien de tel dans le cas actuel. Il ne peut concevoir l'objection faite par le membre pour Missisquoi à l'éducation religieuse faite aux dépens des particuliers. Certes, si on veut établir un collège pour instruire les jeunes prêtres ou toute autre personne, on a droit de le faire. La seule faute qu'il voit dans le bill, c'est qu'il permet à la corporation de posséder des propriétés foncières, et dans le comité il a tâché de diminuer la quantité de terres qu'elle peut posséder, car il ne veut pas que les terres du pays soient embarrassées par des mains-mortes.¹⁴⁰

MR. BROWN.--There are other objectionable features in the Bill besides that. In the first place we are asked to incorporate certain parties, we know not whom, for a purpose we know not what.¹⁴¹

MR. PREVOST.--For purposes of education.¹⁴²

MR. BROWN.--Perhaps so, though even that is not in the Bill! But what sort of education? You will find no property (sic) constituted College, the charter of which does not state distinctly the branches of education to be taught and the mode of conducting the Institution. Again, the Bill gives the Trustees, or a majority of them, most extensive powers for passing any bye-laws they choose to regulate the Institution. We cannot tell what these may be. Mr. Morin has told us that it is in existence now, but he has told us nothing of its position, or how it is conducted. And again I object altogether to building up little colleges and studding them all over the country. Nothing could lend more to lower the standard of education than such a system.¹⁴³

MR. HARTMAN also objected to the Bill.¹⁴⁴

MR. FERRES [objected to the Bill].¹⁴⁵

MR. A. DORION said this was a private school, carried on by private means. They asked the Legislature for nothing, and only required power to hold a certain amount of property that it may be able to transmit it. He did not agree with the objection that the institution ought not to be incorporated because it was a religious one.¹⁴⁶

The first clause was then put and carried. Yeas 24; Nays 8.¹⁴⁷

After an irregular conversation impossible to report in which objection was taken by Messrs. FERRES, BROWN, and J.S. MACDONALD, to legislating on a matter so important at midnight, the bill was passed through committee which rose.¹⁴⁸

(191)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Papin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Mr. Prévost moved, seconded by Mr. Cartier, and the Question being proposed,

That the Report be now received.

MR. BROWN hoped the hon. member who had charge of the Bill would get it printed, before asking the House's concurrence in it. It had been so altered since first printed that not above one or two members really knew what they had passed. In a matter of such importance as the establishment of a college, hon. gentlemen would surely not be so discourteous as to refuse to have the Bill printed as it now stood. He begged, therefore, to move, seconded by Mr. Hartman, "That the Report be not now concurred in, but that the question of concurrence be deferred till Wednesday next." (Cries of no, no).¹⁴⁹

MR. A. DORION of Montreal, supported Mr. Brown's amendment. Even although there should only be one or two members desirous of delay to enable them to look into a Bill of this nature, he would be in favour of giving them the opportunity.¹⁵⁰

MR. PROV. SEC. CHAUVEAU ... opposed the amendment, and insisted that the Report should be concurred in immediately.¹⁵¹

MR. CARTIER also opposed delay, and said it was a mere caprice of the hon. member for Lambton to ask for it.¹⁵²

MR. J.S. MACDONALD of Glengary, said the House would recollect the indignation expressed by the hon. member for Verchères, (Mr. Cartier) when Timothy Brodeur was refused twenty-four hours to answer the question whether he was Timothy Brodeur or not. (Laughter). But now the same gentleman said it was a mere caprice of the member for Lambton, when he asked time to make himself acquainted with this important measure. He (Mr. Macdonald) gave no opinion on the Bill at present as he had not read it, but he thought the least that could be done was to allow sufficient time to examine the measure to those who entertained scruples as to those ecclesiastical institutions.¹⁵³

MESSRS. FOLEY et HARTMAN demandent aussi du délai. Un délai de deux jours ne fera [pas] grand chose.¹⁵⁴

A division was then taken and the Clerk declared Mr. Brown's amendment lost. Yeas 24; Nays 25.¹⁵⁵

MR. BROWN asked that the yeas and nays be read.¹⁵⁶

Cries of "No! no!" on the ministerial side.¹⁵⁷

The Clerk having read the names,¹⁵⁸

MR. J.S. MACDONALD (Glengary) called the attention of the Speaker to the fact, that among the nays were the names of Messrs. Alleyn, Huot, and Poulin, who were not in the House when the question was put.¹⁵⁹

MR. CARTIER.--That is sharp practice.¹⁶⁰

MR. FERRES.--I protest against such language.¹⁶¹

MR. SICOTTE the SPEAKER.--Order.¹⁶² [He] accordingly ... interrogated these gentlemen.¹⁶³

[MESSRS. HUOT, ALLEYN, and POULIN] admitted that they were out of the House at the time of the putting of the question.¹⁶⁴

MR. BROWN's amendment was then declared carried.¹⁶⁵

(191)

Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That the word "now" be left out, and the words "Wednesday next" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Burton, Charles Daoust, Antoine A. Dorion, Dufresne, Ferres, Ferrie, Galt, Gould, Guévremont, Hartman, Lumsden, John S. Macdonald, Roderick McDonald, McKerlie, Marchildon, Matheson, Mattice, Munro, Papin, Sidney Smith, and Wright.--(24.)

NAYS.

Messieurs Bourassa, Bowes, Bureau, Cartier, Cayley, Chapais, Chauveau, Jean B. Daoust, Darche, Dostaler, Holton, Labelle, Laberge, Laporte, Attorney General Macdonald, Mongenais, Morin, Prévost, Solicitor General Ross, Taché, Thibaudeau, and Valois.--(22.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Report be received on Wednesday next.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Solicitor General Ross,

The House adjourned. 166

APPENDIX: 16 OCTOBER 1854.

[NOTICE OF MOTION RE: ARBITRATION BILL.]

MR. S. SMITH of Northumberland ... [gave] notice ... [that he would move for leave to introduce] a bill to provide for a system of arbitration.¹⁶⁷

[QUESTION AND ANSWER RE: WHEN ACT OF 1853 TO REGULATE CURRENCY TO BECOME AVAILABLE.]

MR. FERRIE enquired of the Ministry, when the Act to regulate the currency of this Province (passed in 1853, and lately declared to be in force by the Governor General's proclamation), will be made available, particularly as regards introducing small silver and copper coins into circulation throughout the country.¹⁶⁸

MR. INSP. GEN. CAYLEY replied that the question had not yet been taken up by the Council.¹⁶⁹ The Government had under enquiry the circulation of the country in relation to copper coins.¹⁷⁰

[QUESTION AND ANSWER RE: ESTABLISHMENT OF INSTITUTIONS FOR THE DEAF AND DUMB, AND THE BLIND.]

MR. FERRIE, ... enquired whether the Ministry had made arrangements for the establishment of suitable institutions for the support of the Deaf and Dumb and the Blind in the Province.¹⁷¹

MR. PRES. EX. COUN. MACNAB said ... that the Government had not yet made arrangement with reference to the establishment of Deaf and Dumb institutions, but had the subject under consideration.¹⁷²

[QUESTION AND ANSWER RE: GOVERNMENT PAYMENT TO MCKEAN, MCLARTY AND COMPANY FOR STEAMERS.]

MR. FERRES [asked a question].¹⁷³

MR. INSP. GEN. CAYLEY stated that no sum of money had yet been paid to McKean, McLlarty (sic) and Compahy (sic), on account of their contract with the Government for a line of steamers between England and Canada, and that their right to receive money was still under consideration.¹⁷⁴

[QUESTION AND ANSWER RE: TORONTO AS SEAT OF GOVERNMENT.]

MR. AIKINS enquired of the Ministry whether the sum of sixty thousand pounds granted for the erection of Buildings in the City of Toronto for the use of Government, is still to be applied to that purpose; and if the next Session of the Provincial Legislature is to be held there?¹⁷⁵

MR. PRES. EX. COUN. MACNAB, stated ... that the Government did not intend to take any step in relation to expending £60,000 voted for a new Government building in Toronto, until after the call of the House on the 7th November. He added that plans and specifications had been obtained and that the cost would be double the sum voted.¹⁷⁶

[QUESTION AND ANSWER RE: SEIGNIORIAL TENURE BILL.]

MR. THIBAudeau [asked a question].¹⁷⁷

MR. COM. CR. LANDS MORIN said ... that a bill would be introduced for the

settlement of the Seigniorial Tenure.¹⁷⁸

[QUESTION AND ANSWER RE: DEPOSITS IN BANK OF UPPER CANADA.]

MR. HOLTON [asked a question].¹⁷⁹

MR. INSP. GEN. CAYLEY said ... that the Government did not intend for the present to alter the system of depositing money in the Bank of Upper Canada, but they did not pledge themselves not to make any alteration.¹⁸⁰

[QUESTION AND ANSWER RE: CHANGES TO STEAMBOAT REGULATIONS PER PETITIONS FROM BROCKVILLE AND CORNWALL.]

MR. CRAWFORD [asked] whether it is the intention of the Ministry to take action upon the prayers of the petitions from the Mayor and Inhabitants of the Towns of Brockville and Cornwall respectively to the Executive Government, that in virtue of the powers vested in them by the Act 16 Vic. cap. 167, the Governor in Council would adopt and promulgate an order prescribing and regulating the number of cabin and steerage passengers that may be carried by any Steamboat or class of Steamboats in the Province, and if so, when?¹⁸¹

MR. PRES. EX. COUN. MACNAB said the matter would be taken into early consideration.¹⁸²

[DISCUSSION RE: ELECTION COMMITTEE.]

When the doors opened, MR. FELTON was addressing the Speaker on a question of privilege. He complained that the committee appointed to strike the panels for trying contested elections had acted improperly, in the first place, in not putting their own names on the panels; and in the second place, in putting upon it the names of four gentlemen who were not at the time in the house, the members for Hamilton, Frontenac, Kingston, and Huron.¹⁸³

MR. J.S. MACDONALD vindicated the proceedings of the committee. He had no doubt the hon. member would have been the first to find fault, had they placed their own names on the panels. The four names objected to had been put on because, although they had not actually taken their seats, their return had been reported to the house. If they had not placed these names on the panels then, they would have had to be added afterwards by a formal motion.¹⁸⁴

FOOTNOTES: 16 OCTOBER 1854.

1. MORNING CHRONICLE, 19 October 1854.
2. GLOBE, 21 October 1854.
3. MORNING CHRONICLE, 19 October 1854.
4. IBID.
5. TORONTO LEADER, 21 October 1854.
6. GLOBE, 21 October 1854.
7. TORONTO LEADER, 21 October 1854.
8. GLOBE, 21 October 1854.
9. IBID.
10. IBID.
11. TORONTO LEADER, 21 October 1854.
12. GLOBE, 21 October 1854.
13. IBID.
14. MORNING CHRONICLE, 19 October 1854.
15. GLOBE, 21 October 1854.
16. MORNING CHRONICLE, 19 October 1854.
17. GLOBE, 21 October 1854.
18. TORONTO LEADER, 21 October 1854.
19. IBID.
20. GLOBE, 21 October 1854.
21. MORNING CHRONICLE, 21 October 1854.
22. IBID.
23. TORONTO LEADER, 21 October 1854.
24. IBID.
25. LE PAYS, 21 October 1854.
26. TORONTO LEADER, 21 October 1854.
27. LA MINERVE, 21 October 1854.
28. IBID.
29. TORONTO LEADER, 21 October 1854.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. LA MINERVE, 21 October 1854.
38. GLOBE, 21 October 1854.
39. LA MINERVE, 21 October 1854.
40. GLOBE, 21 October 1854.
41. MORNING CHRONICLE, 19 October 1854.
42. GLOBE, 21 October 1854.
43. IBID.
44. IBID.
45. LE PAYS, 21 October 1854.
46. GLOBE, 21 October 1854.
47. MORNING CHRONICLE, 19 October 1854.
48. GLOBE, 21 October 1854.
49. TORONTO LEADER, 21 October 1854.
50. GLOBE, 21 October 1854.
51. TORONTO LEADER, 21 October 1854.

52. GLOBE, 21 October 1854..
53. TORONTO LEADER, 21 October 1854.
54. GLOBE, 21 October 1854.
55. TORONTO LEADER, 21 October 1854.
56. GLOBE, 21 October 1854.
57. TORONTO LEADER, 21 October 1854.
58. GLOBE, 21 October 1854.
59. MORNING CHRONICLE, 19 October 1854.
60. IBID.
61. GLOBE, 21 October 1854.
62. MORNING CHRONICLE, 19 October 1854.
63. GLOBE, 21 October 1854.
64. MORNING CHRONICLE, 19 October 1854.
65. LE PAYS, 21 October 1854.
66. MORNING CHRONICLE, 19 October 1854.
67. GLOBE, 21 October 1854.
68. MORNING CHRONICLE, 19 October 1854.
69. GLOBE, 21 October 1854.
70. MORNING CHRONICLE, 19 October 1854.
71. LE PAYS, 21 October 1854.
72. MORNING CHRONICLE, 19 October 1854.
73. IBID.
74. TORONTO LEADER, 21 October 1854.
75. MORNING CHRONICLE, 19 October 1854, states that "Mr. Merritt declined" although his name appears as a Committee member.
76. TORONTO LEADER, 21 October 1854.
77. GLOBE, 21 October 1854.
78. IBID.
79. TORONTO LEADER, 21 October 1854.
80. IBID.
81. GLOBE, 21 October 1854.
82. IBID.
83. IBID.
84. IBID.
85. TORONTO LEADER, 21 October 1854.
86. MORNING CHRONICLE, 19 October 1854.
87. TORONTO LEADER, 21 October 1854.
88. GLOBE, 23 October 1854.
89. MORNING CHRONICLE, 19 October 1854.
90. TORONTO LEADER, 21 October 1854.
91. GLOBE, 23 October 1854.
92. TORONTO LEADER, 21 October 1854.
93. MORNING CHRONICLE, 19 October 1854.
94. TORONTO LEADER, 21 October 1854.
95. MORNING CHRONICLE, 19 October 1854.
96. TORONTO LEADER, 21 October 1854.
97. MORNING CHRONICLE, 19 October 1854, which provides different figures from TORONTO LEADER in the preceding excerpt.
98. TORONTO LEADER, 21 October 1854.
99. GLOBE, 23 October 1854.
100. TORONTO LEADER, 21 October 1854.
101. GLOBE, 23 October 1854.
102. TORONTO LEADER, 21 October 1854.

103. IBID.
104. MORNING CHRONICLE, 19 October 1854.
105. GLOBE, 23 October 1854.
106. MORNING CHRONICLE, 19 October 1854.
107. TORONTO LEADER, 21 October 1854.
108. MORNING CHRONICLE, 19 October 1854.
109. MONTREAL GAZETTE, 19 October 1854.
110. TORONTO LEADER, 21 October 1854.
111. MONTREAL GAZETTE, 18 October 1854.
112. TORONTO LEADER, 21 October 1854.
113. IBID.
114. MONTREAL GAZETTE, 19 October 1854.
115. TORONTO LEADER, 21 October 1854.
116. MONTREAL GAZETTE, 19 October 1854.
117. TORONTO LEADER, 21 October 1854.
118. GLOBE, 23 October 1854.
119. MONTREAL GAZETTE, 19 October 1854.
120. GLOBE, 23 October 1854, notes that this Bill "was deferred till this day fortnight, at the suggestion of Government."
121. TORONTO LEADER, 21 October 1854.
122. IBID.
123. IBID.
124. IBID.
125. LE PAYS, 21 October 1854.
126. TORONTO LEADER, 21 October 1854.
127. NORTH AMERICAN WEEKLY, 1 November 1854.
128. IBID.
129. TORONTO LEADER, 21 October 1854.
130. NORTH AMERICAN WEEKLY, 1 November 1854.
131. LE PAYS, 21 October 1854.
132. IBID.
133. NORTH AMERICAN WEEKLY, 1 November 1854.
134. LE PAYS, 21 October 1854.
135. NORTH AMERICAN WEEKLY, 1 November 1854.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. LE PAYS, 21 October 1854.
141. NORTH AMERICAN WEEKLY, 1 November 1854.
142. IBID.
143. IBID.
144. IBID.
145. TORONTO LEADER, 21 October 1854.
146. IBID.
147. NORTH AMERICAN WEEKLY, 1 November 1854.
148. MORNING CHRONICLE, 19 October 1854.
149. NORTH AMERICAN WEEKLY, 1 November 1854. MORNING CHRONICLE, 19 October 1854, reports that Mr. J.S. Macdonald moved this amendment.
150. NORTH AMERICAN WEEKLY, 1 November 1854.
151. IBID.
152. IBID.
153. IBID.

154. LE PAYS, 21 October 1854.
155. NORTH AMERICAN WEEKLY, 1 November 1854.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. MORNING CHRONICLE, 19 October 1854.
161. IBID.
162. IBID.
163. NORTH AMERICAN WEEKLY, 1 November 1854.
164. IBID.
165. IBID.
166. GLOBE, 23 October 1854, notes that the House "adjourned a few minutes before midnight".
167. TORONTO LEADER, 21 October 1854, which indicates that this notice of motion came out of the debate of this date on Mr. Merritt's bill.
168. GLOBE, 21 October 1854.
169. IBID.
170. Telegraph (MORNING CHRONICLE, 17 October 1854).
171. GLOBE, 21 October 1854.
172. Telegraph (MORNING CHRONICLE, 17 October 1854.)
173. GLOBE, 21 October 1854.
174. IBID.
175. IBID.
176. Telegraph (MORNING CHRONICLE, 17 October 1854).
177. IBID.
178. IBID.
179. IBID.
180. IBID.
181. TORONTO LEADER, 21 October 1854.
182. IBID.
183. GLOBE, 21 October 1854, which places this immediately before Mr. J.S. Macdonald's speech calling attention to the Address to His Excellency concerning educational grants, (179; Footnote 1). However, TORONTO LEADER, 21 October 1854, indicates that this discussion occurred following the aforementioned speech. It states: "It was then declared that the doors were closed; but in a few minutes the reporters were again admitted.
"Mr. Felton, apparently as a set-off, noticed an irregularity in the striking of the panels of the election committee; on which an irregular discussion, of no public interest, followed; and after some time the question of the irregularity in the educational grants was again brought up."
184. GLOBE, 21 October 1854.

TUESDAY, 17 OCTOBER 1854.

(192)

MR. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the twenty-second day of September last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of Oxford, (James Ingersoll, Esquire,) Returning Officer *ex officio* for the South Riding of the said County of Oxford, for the election of a Member to represent the said South Riding of the said County of Oxford in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable Francis Hincks who, since his election as the Representative of the County of Renfrew, and the said South Riding of the said County of Oxford, had made his election to serve for the said County of Renfrew, by means whereof the seat of the said Honorable Francis Hincks as the Representative of the said South Riding of the said County of Oxford had become vacant, Ephraim Cook, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the ninth day of October instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,
Quebec, 17th October, 1854.

Félix Fortier,
Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Murney,--The Petition of H. Bull, Junior, and others, of the Township of Madoc; the Petition of O.E. Wood and others, of the Township of Madoc; the Petition of Robert Harney and others, of the Township of Huntingdon; the Petition of Elias McConnell and others, of the Township of Rawdon; the Petition of George Sherry and others, of the Township of Hungerford; and the Petition of John Wilson and others, of the Township of Hungerford.

By Mr. Chisholm,--The Petition of John McLean and others, of the Village of Oakville, County of Halton.

By Mr. Larwill,--The Petition of George Duck, Junior, and others, the Board of School Trustees of the Town of Chatham.

By Mr. Munro,--The Petition of Alanson Maybee and others, of the Township of Hope; the Petition of L.L. Hawn and others, of the Township of Hope; and the Petition of J.S. Smith and others, of the Town of Port Hope.

By the Honorable John Sandfield Macdonald,--The Petition of James Cummings and others, of the Township of Charlottenburgh.

By Mr. Delong,--The Petition of Abigail H. Knowlton and others, Wives, Mothers, Daughters and Sisters, of the Town of Crosby; and the Petition of Martha Toffy and others, Wives, Mothers, Daughters and Sisters, of Bastard, and its vicinity.

By Mr. Jean Baptiste Eric Dorion,--The Petition of the Reverend P.H. Suzor and others, of St. Christophe d'Arthabaska.

Ordered, That the Petition of Grimsby Division, No. 153; the Petition of Smithville Division, No. 148; the Petition of Beacon Light Division, No. 361; the

(193)

Petition of Ravine Division, No. 73; and the Petition of Monument Division, No. 411, all of the Order of the Sons of Temperance; the Petition of the Reverend

James Neill and others, of the Township of Howard, and other places; and the Petition of Nicholas Lake and others, of the North Riding of the County of Hastings, be referred to the Select Committee on Temperance.

Ordered, That the Petition of William Adams and others, of the Township of Louth; the Petition of Thomas F. Park and others, of the County of Essex; the Petition of the Municipality of the Township of Gosfield; the Petition of the Municipality of the Township of Harwich; the Petition of the Municipality of the Township of Dover; the Petition of the Municipality of the Township of West Tilbury; the Petition of the Municipality of the Township of East Tilbury; the Petition of the Municipality of the Township of Romney; the Petition of the Municipality of the Township of Mersea; the Petition of the Municipality of the Township of Colchester; the Petition of the Municipality of the Township of Raleigh; the Petition of the Municipality of the Township of Malden; the Petition of the Municipality of the Town of Amherstburg; the Petition of the Municipality of the Township of Sandwich; the Petition of the Municipality of the Township of Maidstone; the Petition of the Municipality of the Township of Rochester; the Petition of the Municipality of the Township of Anderdon; and the Petition of W. Pierce Howland, of the Township of York, County of York, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of MR. PATRICK,¹

(193)

Ordered, That the several Petitions relating to the subject of Intemperance, received up to this day, be referred to the Select Committee on Temperance.

On motion of MR. FERRES,²

(193)

Ordered, That the Petition of the Reverend John Cook, D.D., and others, of the City of Quebec, be printed for the use of the Members of this House.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Speaker reported to the House, That the Recognizance to the Petition of Téléphore Fournier, Esquire, and others, complaining of an undue Election and Return for the County of Montmagny, is unobjectionable.

Mr. Speaker also reported to the House, That the Recognizance to the Petition of André Benjamin Papineau, complaining of an undue Election and Return for the County of Laval, is unobjectionable.

Ordered, That the Petition of André Benjamin Papineau, Notary, residing in the Parish of St. Martin, in the County of Laval, in the District of Montreal, complaining of an undue Election and Return for the County of Laval, be referred to the General Committee of Elections.

MR. AT. GEN. J.A. MACDONALD (Kingston) moved the first reading of a bill intituled "An Act to make better provisions for the appropriation of moneys arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for municipal purposes." The proceeds of the Clergy Reserve lands, it was proposed to be divided into two funds, the one belonging to the Clergy Reserve fund of Upper Canada, and the other to that of Lower Canada, and these funds were to be invested for the purposes afterwards mentioned. The first thing to be observed was the condition under which permission had been given by

the Imperial Parliament to the Provincial Parliament to legislate on this subject. The Imperial act provided that the stipends or allowances hitherto made to the Clergy of different religious denominations in Canada should be continued during the lives of the then incumbents. The fund then was chargeable with the expenses of management and with these stipends or allowances so protected by the Imperial act. That being provided for, it was further provided that annually, on the 31st December of each year, after a full provision had been made for the satisfaction of these stipends, the fund should be divided according to the last census, or one taken for the purpose yearly, among the different municipalities, so that the principal of the money, and not merely the interest, should be divided as fast as generated, among the different municipalities. In that respect the present Bill differed from that proposed to be introduced by the late administration, which was merely to divide the surplus interest, after meeting the claims of the incumbents. It was thought that the sooner the whole fund was gone the better, and therefore it was provided that after protecting the interests of the incumbents in the way he had mentioned, the whole surplus proceeds should be divided according to the population returns of each year. The second clause of the bill provided for the protection of the incumbents. There was a difficulty as to the incumbents in one or two instances where a grant had been made not to the incumbents, but to the religious body. The Wesleyan body for example stood in that category, receiving an annual grant which was appropriated in such manner as the conference (*sic*) thought proper. It was the same also with the Roman Catholic body in Upper Canada. It was provided, therefore, in the Bill that, in those cases where sums had been payable *en bloc*, these sums should be continued for a blank number of years. The faith of the government was pledged to those religious bodies, as well as to the individual incumbents in the other cases, and it was for the House to say with what number of years that blank should be filled up. The third clause provided for the case of a commutation. It was thought advisable, as these allowances or stipends might run on for a very long period of years, that the government should have the power of commuting the allowances on well understood principles of life assurance. But, unless the incumbents themselves consented, as this was a vested right secured to them by the imperial act, they must continue to receive their annual allowances during the term of their lives. In order to save the present government or any future government from any possible imputations, it was provided that this clause could not go into effect except with the united consent of all the incumbents. The residue, it was next provided, should be divided among the different municipalities to be appropriated to whatever purpose they are permitted to devote their funds under the Municipal Act. There was also a very proper proviso in the bill, that in case any municipality should be in debt to the government, the Receiver General might of course retain any money that came into his hands for them, to reimburse the government for the debt, and hand over the balance, if any, to the municipality.³ There was a provision for repealing that clause of the Imperial law which restricts the amount of lands to be sold in any one year to 100,000 acres.⁴ This was nearly the whole of the act, and he thought the house would see that the measure was one which in principle, and he hoped even in detail, would meet the views of the house. As to the appropriation of the money, after indemnifying the incumbents for their stipends⁵ [or] *après la mort des personnes ayant droit d'en recevoir des rentes*,⁶ some were in favour of its going to education, others were in favour of its going to the consolidated revenue, while a third plan was that of the bill to distribute it among the municipalities. The great objection to absorbing it in the Consolidated Revenue Fund, was that the Reserves of Upper Canada were much more valuable than those belonging to Lower Canada, and if Lower Canada was to get an equal share of the

whole, a good deal of dissatisfaction might be created in the other section of the Province. The plan of appropriating it to education had very many advocates in the country⁷ [and in] some of the members of the House⁸ but the great objection to that was, that it would only be closing one sore to open up another. The measure was one of peace, and it would very much fail in securing this object, were a new sore to be opened up in closing the old one. The moment it became known that this money would be divided for the purposes of education, that moment there would be a struggle between sectarian and non-sectarian schools. So lively was the feeling of interest on this point, that already he had received some strong representations on the subject. High authorities in the Catholic Church had said that if the fund went to school purposes, the Catholics would not get their share. The other extreme, the strong anti-sectarian school party, were equally opposed to this plan. In the Examiner, received that morning, he found a passage which strongly condemned any such proposal.⁹ He then read an extract from the Examiner¹⁰. It appeared to him (Mr. McD.) that the system proposed by the present government got rid of the two objections he had mentioned, at the same time that this money going to the Municipalities would render them the more able to raise necessary funds or to increase the funds required for education, while it removed it from being the occasion of any struggle between the opponents and supporters of the sectarian school system. Some were apprehensive that the money would be wasted by being given to the Municipalities, but when they considered the rapidly increasing population in Upper Canada, and that for some time the allowances to the incumbents would continue very considerable, there need not be much apprehension entertained on that head. It would be an acceptable aid to the Municipalities of Upper Canada, but at the same time it would not be a large enough sum to occasion much fighting about it. He believed also that the Municipalities in Canada generally had applied their funds most faithfully to the improvement of their several localities, and that they might be safely (*sic*) trusted with the expenditure of so small a sum as this would amount to in the respective localities. What the exact amount would be he could not say, but, before the second reading of the Bill, full information on that head would be given to the House. He had thought it necessary to say thus much, but he did not invite discussion on the Bill just now. It would be placed in the hands of the members of the House tonight or to-morrow morning. The Administration were extremely anxious to carry out the principle of the Bill, the details being such as after full consideration they had thought proper to submit to the attention of the House. It was a question in which all were interested and the government invited all, without distinction of party or creed, to lend their assistance in making this a complete Bill, and they would find the government most happy to receive suggestions. And even those gentlemen who felt themselves obliged in conscience to oppose the Bill on principle, would, he hoped, when they came to details, aid the Government in making the Bill a final one. There was one question which they had not thought proper to embrace in the Bill, but to which they might probably call the attention of the house this session. There was a large quantity of unsold Clergy Reserve Lands, and it was a question whether these should be put into the market at once and sold, and the very name of Clergy Reserve Lands cease for ever, or whether the government should purchase them from the Clergy Reserve Fund and make them Crown Lands, or whether some other mode might not be adopted. In the meantime he would ask any gentleman who might have any suggestions to make, to think well upon this point. With these remarks he begged to move the first reading of the Bill.¹¹

MR. MERRITT said he had heard the Clergy Reserves discussed for something like 30 years, but this was the first time that he had ever heard it proposed

that this fund should be appropriated for any other purpose than education.¹² He wanted to preserve them for that sacred purpose until the time arrived when we should frame a constitution for ourselves to supersede the little bit of a thing made for us by the Imperial Parliament, and so sent out here, we having had no voice in the matter.¹³ He regretted exceedingly that such a measure should have been brought in as would have the effect of destroying the whole of the fund. They might just as well bury it out of sight forever, for in the way that it was proposed to appropriate it, it would be of no use to the rising generation until it was all squandered and gone. What was the reason assigned by the Attorney General why it should not go to education? He said that so appropriated it would be a fire-brand, and that the sectarian schools would come in for a share. This was altogether a pretence and a delusion. Supposing it was expressly given for education, what had that to do with sectarian schools? That was quite a distinct and separate question. It was his intention to give notice immediately that the fund should be so appropriated. It was nothing but a bugbear to talk of the evils that would result from that appropriation, and he did not care what the Examiner said, or any other newspaper. They might thank the Lord Bishop of Toronto for preserving this fund, and enabling them to appropriate it to education;¹⁴ and thus preventing them from sharing the fate which he said had befallen the general demesne of the Crown.¹⁵ But if they wasted it in the manner now proposed, it would do no good.¹⁶

MR. A. DORION, (Montreal,) objected to the provision of the Bill, that the proceeds of the lands in Upper Canada should be divided among the Municipalities of Upper Canada, and those of the lands in Lower Canada among the Municipalities of Lower Canada. Since the union, he maintained that all public property had been considered as common property, and that the proceeds should go into the common public funds.¹⁷ He did not wish at this stage to go into a general discussion of the matter; but he could not help directing attention to this branch of the subject.¹⁸

MR. COM. CR. LANDS MORIN said he had once held that view of the matter, but he found it could not be maintained.¹⁹ [He] replied to Mr. Dorion, vindicating the principle of division, on the ground that that portion of the Province should receive the largest share of the proceeds, which had suffered most from the existence of the Reserves, and on the ground that the same principle had been acted upon in the appropriation of the Jesuits' estates, &c., in Lower Canada.²⁰ There could be no objection to applying the same rule to Upper Canada, in a case where she could fairly claim the greater part of the property to be dealt with.²¹

MR. FERRES contended that on the principle advocated by the Commissioner of Crown Lands,²² the Seignories should [not] receive any benefit from the Reserves, and contended that the municipalities of the Townships were entitled to the whole amount in Lower Canada. The Seignories contained only 75,000 of the whole population.²³

MR. CARTIER replied to Mr. Ferres, maintaining that the distinction which that honorable member wished to make would be invidious and unjust. The censitaires had been unjustly treated by being left to their own resources in the making of roads and the opening up of the country, and it was but fair that they should reap benefit as well as others from this division of public property.²⁴ When any appropriations had been made for improvements, ... they had been for the Townships and not for the Seignories.²⁵ Les habitants des seigneuries n'ont pas reçu autant de subventions publiques pour faire ces chemins,

etc., qu'en ont reçu les habitants des townships, et partout, l'argent provenant des Réserves doit être également divisé pour ajuster la balance.²⁶

MR. HINCKS said he felt that this was not the proper time to go into any lengthy discussion of the subject, but some of the remarks made had been of such a nature, that it might not be inappropriate for him to allude to them. He thought there was a great deal of force in some of the remarks that felt (sic) from the hon. member for Lincoln (Mr. Merritt.)²⁷ He had a very strong feeling indeed, that it was important for the interests of the country to endeavour to preserve the funds as much as possible, and that the Legislature should endeavor to do so, by passing a law to prevent the capital of the funds being placed at the disposal of the municipalities, and that the interest only should be distributed.²⁸ He was free, however, to admit that that feature of the bill of the late administration, was the one least acceptable to the people of Upper Canada. He had found that a very strong feeling prevailed, that it was of importance that this question should be set at rest forever, and that fears were entertained that so long as the fund continued in existence, the question would always be kept before the public, and attempts made to change its distribution. This state of feeling was so strong, that he had no hesitation in saying, that he intimated to his friends long before the political crisis at the commencement of the present session, that there would be no objection on the part of the Government to consider that question as a matter of detail, and in all probability that change would have been made in their bill, had the late administration continued in office. He did not himself entertain those fears to which he had referred, and could sympathize with the feeling expressed by the hon. member for Lincoln on that point, but he dissented entirely from many of the remarks which had fallen from him while addressing the House. In the first place, he had great doubts whether the revenue of this fund should be devoted to educational objects, but he dissented especially from the tone of his remarks in regard to the municipalities of Upper Canada. The hon. member was not justified in assuming that the fund would be squandered by those municipalities composed of men just as capable of dealing with it properly as the hon. member himself, or any member of this House. And, in point of fact, how many of those he saw around him had been members of those municipal councils who were now members of this House. He had little doubt that half of the representatives of Upper Canada were in that position. In reference to the view expressed by the hon. member for Montreal (Mr. Dorion), he would remark, that they ought to consider what had been the manner of dividing the fund since the Union. Had it not been the case that the whole of the revenue from the Clergy Reserves of Upper Canada had always been distributed to Upper Canada; and the whole of the Lower Canada fund distributed to Lower Canada. The hon. member, therefore, should consider, that instead of the bill establishing a new principle, it was he himself who was advocating a new principle of distribution.²⁹ He (Mr. H.) did not think that there was any argument to be advanced in favour of that view of the case. And with regard to the hon. member for Missisquoi, his argument was that the fund should be distributed in that particular part of the country where the Reserves have been created.³⁰

MR. FERRES said there were no Reserves in the Seigniories.³¹

MR. HINCKS [continued:] Well, the public lands must be considered as the property of the particular section of the country, the same as in the United States.³² If the principle held good in Lower Canada, that the proceeds of the Reserves should be distributed among the Townships exclusively and not in the Seigniories where none had been created, it might with just as much reason be said, that the Reserves in Upper Canada should be distributed in the new

settlements where they now existed, and that those parts of the country where there had been no Clergy Reserves for a great number of years should not receive any benefit from them.³³ The hon. member for L. must be aware that as to the Educational Fund, the monies derived from lands would form but a small portion of the required sum. He (Mr. H.) was free to admit that there is the strong feeling in the country which had been adverted to, and he thought that it was important to close this exciting question.³⁴ The suggestion thrown out by the Attorney General in reference to the unsold Clergy Reserve Lands, was well worthy of consideration. That very point had engaged the attention of the late Government, but the same reason did not exist for taking it into consideration then as now.³⁵ He did not believe that if they sold the Clergy Reserves they could get in the proceeds of the sale easily, although the land might be offered at a very low figure. Upon the whole, he thought, that the Government could become purchasers from the Clergy Reserve Fund, of the unsold lands.³⁶

MR. MERRITT begged to correct a misapprehension into which the hon. member who had just spoken had fallen in reference to his allusion to the Municipal Councils of Upper Canada. He entertained as high an opinion of those municipalities as any one could do, and he believed that they had just as much wisdom and intelligence as were possessed by the members of this House.³⁷ He had only meant to call his attention to the difference between the constitutional provision, where Government could not legislate, and a Law made today, which is broken to-morrow.³⁸ His observations went to this, that not the municipalities, but that this House should not misappropriate those monies.³⁹

MR. J.S. MACDONALD (Glengarry) said that whatever might be thought of the views expressed by the honourable member for Lincoln on the question of the Reserves, it must be admitted that he had been sincere and consistent in the position he had taken all along. (Hear, hear.)--In reference to the time for going on with this measure, he wished it to be understood that this (his) side of the House were anxious that it should be proceeded with as soon as possible, and that they would not throw the slightest obstacle in the way of going on with the bill at as early a period as the government could bring it forward. Without expressing any opinion on the bill, until he should be in possession of it, he must confess that, according to the succinct explanation of it given by the Attorney General, it appeared to be on the whole as liberal a measure as could have been expected from him. (Hear, hear.)⁴⁰

MR. AT. GEN. J.A. MACDONALD (Kingston) moved, seconded by MR. HINCKS, that the bill be read on Tuesday next a second time.⁴¹

MR. CHISHOLM asked if the Government would positively go on with it on that day?⁴²

MR. AT. GEN. DRUMMOND replied in the affirmative, and also with the Seigniorial Tenure Bill, on the same day.⁴³

MR. BOWES appealed to the members from Lower Canada to oppose the secularization of the Reserves, assuring them that⁴⁴ if the Reserves were secularized in Upper Canada the secularization of the Roman Catholic Church property in Lower Canada would follow. He objected to the proposed method of distribution according to population saying that it was not just for a rich city like Montreal to get from the fund distribution in proportion to their population in the same ratio as a poor county with but 10,000 inhabitants, in proportion to its population.⁴⁵ His own view was that the fund should be divided among the different churches for purposes of education, which would not be so great a departure from

the original intention of the grant.⁴⁶ The bill ought to be submitted and after that an adjournment take place, and then the bill should be referred to the people of Upper Canada at the municipal elections in January next, and let them say "yes or nay", whether they would have secularization or not.⁴⁷

MR. J. SMITH (Victoria) dit que le membre pour Lincoln se trompe certainement en disant qu'il n'a jamais entendu parler d'appropriier les Réserves autrement qu'aux fins d'éducation. Quant à la tentative de M. Bowes de faire peur aux membres du Bas-Canada, il dit⁴⁸ as an Upper Canada liberal, [he] begged to assure the Lower Canada members that when any question relating to church property in Lower Canada should come up, they would find the Upper Canada liberals disposed to act in a spirit of reciprocity in religious as well as other matters. They would not lay sacreligious (*sic*) hands on property belonging either to churches or individuals, but he contended that the Clergy Reserves never belonged to any religious bodies.⁴⁹ He contended that the people of Upper Canada were in favor of secularization.⁵⁰

MR. COM. PUB. WORKS CHABOT, in French,⁵¹ dit que s'il y avait quelque propriété dans le Bas-Canada dans le même cas que les Réserves, il la traiterait de la même manière qu'il prétend traiter les Réserves. Mais il ne pense pas qu'il y en ait. Les presbytères et les églises n'appartiennent pas à l'église comme église, mais au peuple. Les communautés possèdent, il est vrai, certains biens, mais elles les ont en vertu de titres privés, justement comme toute autre corporation--le Collège McGill, le Bishop's College, ou l'Hôpital général. Ça ne fait rien que celles-ci soient régies par des ecclésiastiques et celles-là par des laïques.⁵²

MR. BROWN said he had heard with much satisfaction the declaration of the Honourable Attorney General, that the Government were desirous of so framing their measure that the long-agitated question of the Clergy Reserves might be forever settled, and that they would readily agree to any alterations of their Bill which might more effectually secure that end. He could not doubt the sincerity of that declaration, and he was confident that every member of the opposition would join cordially in maturing such a measure as would finally remove this futile source of discord from the political arena. (Hear, hear.) This was not the time to enter into the merits of the Bill, and as he had only that moment seen a copy of it, he (Mr. Brown) was not in a position to discuss it. But a hasty glance was sufficient to show that some material changes on the Government scheme must be made, so as to obtain for it the approval of the country. For instance; the Bill placed very great powers in the hands of the Government of the day--left them the widest latitude in bringing the matter to a close. The Government may commute the stipends of the Clergy, or they may refuse to do so; they may commute with individuals or with church bodies; they may invest the funds in Imperial or Provincial securities, and sell them out at any time, and they are to say when the division among the municipalities is to commence. Then again, the scheme was open to very grave objection, from the want of finality in its provisions. When in the opinion of Government, the funds had accumulated to such a sum as would produce an annual revenue equal to the stipends now paid to the Clergy, then, and not till then, the municipalities were to benefit by the measure. The stipends now amounted to between £30,000 or £40,000 a year; so that ere the municipalities obtained a penny from the fund, some seven⁵³ or eight hundred thousand pounds⁵⁴ must have been realized from the Clergy lands; and this enormous sum was to remain in the hands of Government until the incumbents died off--open of course to future changes by the Legislature. The power given by the Bill to Government, to commute with the church bodies in one sum for the

stipends of all their clergymen, was a most objectionable feature. Suppose a sum of two or three hundred thousand pounds were thus to be paid over to the Church of England, or the Church of Scotland, what was to prevent these churches from purchasing lands with the money, under their corporation acts, and creating a worse evil than that sought to be removed by the Bill? He (Mr. Brown) threw out these hints for the consideration of honourable gentlemen, and he did not doubt that the measure could be so amended as to remove all objections. His own idea was that the scheme should be made clear and definite on its face, and so shaped that the whole proceedings under it would be wound up within a limited period. What was to prevent the whole remaining Clergy Lands being sold off at auction--a valuation being made of the existing annual stipends--and the payment into the consolidated revenue from the Reserve Fund of the sum so ascertained to be the value of the stipends? The stipends of the clergy might thus be secured them from the public chest, and the balance of the Reserve Fund might be immediately divided among the municipalities. If hon. gentlemen went earnestly and sincerely to work to frame a final measure, there could be no difficulty in devising one, and he had every hope that this would be done.⁵⁵ Il espère qu'on fera ce changement avant la seconde lecture du bill.⁵⁶

The Bill was then read a first time,⁵⁷

(193)

Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That fifteen hundred copies of the said Bill in the English Lan-

(194)

guage, and five hundred copies in the French Language, be printed for the use of the Members of this House.

MR. PRES. EX. COUN. MACNAB dit:

M. l'Orateur,-- J'apprends que l'arrivée des nouvelles du théâtre de la guerre d'Orient a fait naître dans la chambre et au dehors un sentiment général: c'est que les représentants des deux races qui peuplent ce pays, s'abstiennent d'affaires et ajournent la séance, en témoignage de notre joie et de notre admiration causées par le triomphe des armées combinées de France et d'Angleterre. M. l'orateur, assurément, ce sentiment est aussi le mien. Depuis plusieurs siècles, c'est la première circonstance où nos deux mères-patries se sont réunies, comme soeurs d'armes, sur le champ de bataille, combattant un ennemi commun dans une cause glorieuse, et, comme on devait naturellement s'y attendre, pour obtenir un glorieux résultat. Je crois que l'on ne saurait trouver dans les annales militaires du monde, trois victoires semblables remportées selon toutes les règles de la guerre et si rapidement, sur un ennemi obstiné et ayant pour lui l'avantage de la position qu'il avait choisie. Ces victoires démontrent à l'univers qui nous observe ce que peuvent deux pareilles puissances lorsqu'elles sont unies, et j'espère, monsieur, qu'elles ne se sépareront pas tant qu'il y aura à redresser des torts commis ou tentés contre l'indépendance d'une nation, par une puissance forte contre une faible. A tout événement, monsieur, j'espère que les deux plus grands peuples de l'Europe et dont nous, habitans de ce pays, avons l'honneur de descendre, ne seront à l'avenir rivaux (*sic*) que pour la paix. Ce n'est pas seulement pour nous réjouir du triomphe de nos armes que je pense que nous

devrions suspendre les affaires pendant quelques heures, mais aussi pour considérer et déplorer l'affreux sacrifice en hommes que ce triomphe a coûté.

M. l'Orateur, je n'exprime ici que mes propres sentimens, mais s'ils trouvent un écho dans cette chambre, comme je le pense, on ne fera aucune opposition à la motion d'ajournement depuis 6 heures jusqu'à demain à 3 heures. J'ai l'honneur et le plaisir particulier de compter parmi mes alliés les plus précieux dans cette chambre, plusieurs messieurs du même sang que ceux qui, d'après les détails que nous avons reçus, ont été les premiers à marcher contre l'ennemi. J'espère que leurs sentimens généreux leur feront supporter cette motion, et que le succès qui a couronné cette mémorable combinaison des Français et des Anglais en Crimée est le précurseur de semblables succès pour le bien en ce pays.⁵⁸

(194)

On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable John Sandfield Macdonald,

Resolved, Nemine contradicente, That in consideration of the news arrived this day from the theatre of war in the Crimea, of a series of brilliant Victories gained by the Combined Fleets and Armies of France and England, it is the duty of this House to testify its high gratification at the event, and its admiration of the glorious achievements of the gallant defenders of our father lands; and that this House do now adjourn.

And the House adjourned accordingly.

APPENDIX: 17 OCTOBER 1854.

[NOTICE OF MOTION RE: BILL TO REFORM LOWER CANADA MUNICIPAL SYSTEM.]

MR. AT. GEN. DRUMMOND gave notice that ... on Friday next--[he would move for leave to introduce a] bill to reform the Municipal System in Lower Canada, and to establish county, parish, or township and village municipalities therein.⁵⁹

[NOTICE OF MOTION RE: BILL TO DEFINE RIGHTS OF SEIGNIORS AND CENSITAIRES.]

MR. AT. GEN. DRUMMOND gave notice that ... on Friday next--[he would move for leave to introduce a] bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof.⁶⁰

[NOTICE OF MOTION RE: RESOLUTIONS TO PROVIDE REVENUE TO COMMUTE SEIGNIORIAL TENURE.]

MR. AT. GEN. DRUMMOND gave notice that on Thursday next he would move a series of Resolutions on the subject of making provision, out of the revenue of this Province, for such expenses as may be required to facilitate a commutation into a free tenure, of all such lands as are held a titre de fief or en roture in Lower Canada.⁶¹

[QUESTION AND ANSWER RE: FRANCHISE ACT.]

MR. J. SMITH (Victoria) enquired of the Ministry whether it was their intention to introduce any measure during the present session for amending the Franchise Act of 1853.⁶²

MR. PRES. EX. COUN. MACNAB replied that the subject was under the enquiry and consideration of the Government.⁶³

[WITHDRAWN MOTION: FOR COMMITTEE ON PROVINCIAL AND CONSOLIDATED LOAN FUND DEBENTURES.]

MR. BROWN, seconded by MR. J.S. MACDONALD (Glengarry), moved the appointment of a select committee to inquire into the circumstances connected with the issue and negotiation of Provincial and Consolidated Loan Fund Debentures since 1850; said Committee to have power to send for persons and papers, and to report from time to time, by bill or otherwise⁶⁴; and to consist of Messrs. Young, Langton, Hartman, Smith of Northumberland West, Dorion of Drummond, &c. Bell, and the mover.⁶⁵ In submitting this motion, Mr. Brown said there were a great many rumours afloat as to the way in which these debentures had been disposed of, but the public knew nothing with any certainty about them. The sooner some general principle was laid down to regulate the issue and negotiation of debentures the better. The public would like to know how they were finally disposed of, how they were destroyed, and so forth. For his own part, he was quite in the dark in the matter, and it was desirable that the house should understand the whole system of procedure, so that if hitherto there had been any looseness in the manner of dealing with the debentures, it might in future be prevented.⁶⁶

MR. INSP. GEN. CAYLEY said it was not the intention of the government to oppose any inquiry that might lead to full information which would satisfy all parties. But he would call the attention of the hon. member for Lambton to the fact, that there was already a committee, that on Public Accounts, under whose

cognizance that matter properly would come.⁶⁷ The most active member of the house was on that committee. There was no desire on the part of the government to refuse any inquiry⁶⁸. To secure a full enquiry into the subject, it might be well to add Mr. Brown's name to that committee, which would obviate the necessity of multiplying committees, and thereby adding to the onerous duties of the officials of the house.⁶⁹

MR. BROWN said, that if the committee on Public Accounts took up the subjects, he had no doubt that full justice would be done to the enquiry, and he had no desire to have his name added to that committee. Pending their action in the matter, he was quite willing to withdraw his motion. His only fear was that the committee on Public Accounts had so many enquiries on hand that this one might not be taken up.⁷⁰ [Il] consent à différer sa proposition jusqu'à ce qu'il ait parlé au président du comité des comptes publics, pour savoir si ce comité s'occupe des débentures dont il s'agit.⁷¹

MR. YOUNG, as a member of that Committee, stated that this question formed part of their duties, and had already formed part of their enquiries.⁷²

MR. HINCKS felt it necessary to reply to the hon. member for Lambton. It was within the knowledge of every member of the House that within the time specified there had been no Debentures issued except for Railways. These Debentures had in all instances been disposed of by the Railway Companies themselves, with the exception of the Grand Trunk Railway Company, and of course it would be unsatisfactory to those Companies for the Government to dictate the manner in which they should dispose of them. When the Grand Trunk Act was originally passed the object was to answer the construction of the Railway by giving a certain loan in the shape of Debentures which should only be issued as the work progressed. But in the practical carrying out of the Act, the stock was issued on certain terms, each shareholder becoming entitled to a certain amount of Debentures proportionate to his interest in the work. The company in this difficulty made representations to the Railroad Commissioners, and these were referred by the Commissioners to the Government⁷³ that a great advantage would accrue from the issue of the debentures payable so as to accompany the stock, when the remainder of the A series was issued.⁷⁴ The Government accordingly found it necessary to change the mode of issuing the Debentures, which had now to be given not to the contractors, but to the proprietors of the stock, and when that arrangement was made it became in a manner impracticable to regulate the issue of the Debentures according to the progress of the work. The Government then consented to issue the Debentures without waiting for the progress of the work, but on the condition that there should be invested with the Agents of the Province in London, a sum of money equal to their amount, and this money, and not the Debentures, was paid to the contractors as the work advanced.⁷⁵ Les entrepreneurs ne reçoivent donc aucun paiement qu'en présentant des certificats constatant le progrès de leur ouvrage, et à raison de 40 pour cent sur leurs propres dépenses, comme le veut la loi.⁷⁶ The Company at the same time paid to the contractors a sum proportional to that paid by the Provincial Government, and on the same certificates, and as the Company, it was certain, would not pay in advance, the Government had thus a sufficient guarantee that they were not paying more than was due. The fact was that the contractors had never been paid even up to the amount that was actually due.⁷⁷ The Company guaranteed to make up any difference between the interest payable by the province, on its debentures, and that receivable upon the securities in which the proceeds of the debentures had been invested; so that the Province was secured against the possibility of loss. He knew that it would be said by persons opposed to the Grand Trunk that the Govern-

ment had issued a large amount of debentures, and that there were no adequate works constructed. The subscribers to the stock of that company had, at any rate, paid out an equal amount; which showed their confidence in the undertaking. It was said that the contractors had made a great job of their contract; but he regretted to say that owing to the depression in the money market they were not able to put upon the market the B series of the stock which they held, and they were obliged to keep it.⁷⁸ Quant aux débentures municipales, on a commencé par faire annoncer leur vente dans les journaux, mais on n'a reçu aucune offre avantageuse en réponse; et ensuite on s'est résolu de ne plus les offrir de cette manière. On s'est résolu aussi de ne les vendre qu'au pair ou au-dessus. Et dernièrement c'est à peine si on les a vendu[s], à ce prix, en quantités assez considérables pour satisfaire aux demandes des municipalités.⁷⁹

MR. J.S. MACDONALD, of Glengary, said that if the explanations which the hon. member for Renfrew had now made had been given before, when they ought to have been made, in February last, it would have prevented the misconceptions which got abroad on the subject.⁸⁰

MR. HINCKS said he gave the explanation, in almost precisely the same words, during the last session.⁸¹

MR. J.S. MACDONALD (Glengarry) did not believe that the country was satisfied with the amount of progress made by the Company, or that it was at all equivalent to the money which had been issued to them. He maintained also that the £900,000 sent to England was in violation of the terms on which the House had consented to advance aid to the Grand Trunk. The money was paid out by the agents of the Province as the work proceeded, but who was there to make the necessary enquiries as to the amount of work performed? The contractors had an Engineer, but he had never heard of the government having any Engineer to inspect the works, and report as to the progress made.⁸²

MR. FERRES dit qu'il n'est pas du tout satisfait, des explications de l'ex-Inspecteur général. Ce monsieur a dit premièrement que le gouvernement n'a rien eu à faire avec les débentures des chemins de fer, et ensuite que le gouvernement a disposé de débentures en faveur du Grand Tronc sans aucune raison quelconque. Il paraît, d'après l'ex-Inspecteur-général, que la compagnie s'adressait aux commissaires des chemins de fer, et que les commissaires s'adressaient au gouvernement. Mais quelle distinction y a-t-il entre ces trois corps? C'est M. Hincks qui prie l'Inspecteur-général ou M. Ross qui demande au Procureur-général. Est-ce là la manière de conduire de telles affaires? Il voit sur les comptes publics, qu'on a émané en faveur du Grand Tronc plus d'un million de débentures, et depuis l'impression des livres de comptes, on en a émané pour £700,000 de plus, ensemble £1,800,000 et cela sans aucune preuve qu'on ait fait des travaux pour justifier de tels paiements.

Dire que le gouvernement ne paie qu'à mesure avec la compagnie ne veut rien dire. Si la compagnie néglige ses affaires ce n'est pas une raison pour que le gouvernement le fasse. Quel est l'ingénieur qui donne les certificats?--Est-ce celui qui était autrefois l'ingénieur de Jackson et Cie, et qui est depuis l'ingénieur de la Compagnie? Quoiqu'il en soit, le gouvernement canadien ne s'est obligé à payer que 40 pour cent sur le coût des travaux du chemin, et il est très certain qu'on n'a pas construit assez de chemins pour autoriser l'émission de £1,800,000, à cette proportion.⁸³

M. HINCKS répond que quoique le gouvernement ait émané ses débentures, les entrepreneurs n'ont reçu ni ces débentures ni leur prix. L'argent provenant de

ces bons n'est ni entre les mains des entrepreneurs, ni entre celle[s] de la compagnie, mais il reste avec le gouvernement, excepté 10 pour cent du coût du chemin, tel que constaté par les certificats que la loi exige.⁸⁴

MR. FERRES.--Ce n'est pas une réponse.⁸⁵ It did not mend the matter that the debentures were lying with our agents; we had to pay interest on them.⁸⁶

MR. CRAWFORD.--Not a penny.⁸⁷

MR. HINCKS.--Pas un sou. La compagnie paie toutes les dépenses du changement.⁸⁸

MR. FERRES.--Au moins les débentures seraient plus sûres entre nos propres mains qu'entre celles d'un autre, même de notre agent. L'Inspecteur-général dit que malheureusement les entrepreneurs ont été obligés de prendre eux-mêmes toutes la série B des débentures. Cela ne fait-il pas voir que les entrepreneurs encourent quelque risque en prenant ces débentures, et la province aussi en les émanant.⁸⁹

MR. HINCKS.--Pas du tout. Les entrepreneurs reçoivent une partie de leurs paiements en débentures, il veulent encore vendre les débentures pour en avoir l'argent. Quand il (M. Hincks) dit qu'ils sont obligés de les prendre eux-mêmes, il veut dire seulement qu'il ne peuvent les vendre.⁹⁰

MR. FERRES.--Eh bien! n'est-ce pas là le marché. Pourquoi les entrepreneurs n'ont-ils pas vendu quand toute cette propriété était au-dessus du pair. Ils ont agi comme le chien de la fable qui perdait la chair en voulant attraper l'ombre.⁹¹

MR. GALT, répétant l'explication de M. Hincks, sur la manière de disposer des débentures, ajoute que les certificats sur la loi desquels le gouvernement paie les entrepreneurs, sont authentiques par l'autorité voulue par la loi, l'ingénieur des travaux publics. En effet loin d'avoir payé d'avance, en conséquence du délai nécessaire pour faire voir ces certificats, le gouvernement est toujours en arrière, envers la compagnie,--ce qu'il a démontré clairement dans le mois de Juin.⁹²

MR. FERRES read from a pamphlet a statement of the affairs of the Grank Trunk Railway Company; and said they had accounted for £470,745 at one time and £519,170 of debentures at another.⁹³ [Il] tient à la main le rapport de la compagnie, où elle accuse la réception du gouvernement de £1,750,000.⁹⁴

MR. GALT prend le livre, et après l'avoir vu, dit que M. Ferres se trompe singulièrement. La somme que ce monsieur dit que la compagnie a reçue en débentures du gouvernement, n'est autre chose que la somme qu'a émané la compagnie de ses propres débentures.⁹⁵ Having requested an examination of the pamphlet, [he] said these were the debentures of the Railway Company and not of the government, as the hon. member for Missisquoi wished to impress on the House. Not one penny of them were government debentures.⁹⁶

MR. FERRES.--Mais les bons provinciaux sont émanés proportionnellement.⁹⁷

MR. GALT.--Point du tout. C'est vraiment dommage que cette discussion ait lieu avant que ce monsieur se soit mis à même d'y prendre part. Dans ce cas il ne serait pas tombé dans des méprises si extraordinaires.⁹⁸

MR. BROWN retire alors sa motion.⁹⁹

FOOTNOTES: 17 OCTOBER 1854.

1. GLOBE, 23 October 1854.
2. IBID.
3. IBID.
4. PORT HOPE GUIDE, 28 October 1854.
5. GLOBE, 23 October 1854.
6. LE PAYS, 21 October 1854.
7. GLOBE, 23 October 1854.
8. MORNING CHRONICLE, 21 October 1854.
9. GLOBE, 23 October 1854.
10. PORT HOPE GUIDE, 28 October 1854.
11. GLOBE, 23 October 1854.
12. IBID.
13. MORNING CHRONICLE, 21 October 1854.
14. GLOBE, 23 October 1854.
15. MORNING CHRONICLE, 21 October 1854.
16. GLOBE, 23 October 1854.
17. IBID.
18. MORNING CHRONICLE, 21 October 1854.
19. IBID.
20. GLOBE, 23 October 1854.
21. MORNING CHRONICLE, 21 October 1854.
22. GLOBE, 23 October 1854.
23. MORNING CHRONICLE, 21 October 1854.
24. GLOBE, 23 October 1854.
25. MORNING CHRONICLE, 21 October 1854.
26. LE PAYS, 21 October 1854.
27. GLOBE, 23 October 1854.
28. MORNING CHRONICLE, 21 October 1854.
29. GLOBE, 23 October 1854.
30. MORNING CHRONICLE, 21 October 1854.
31. IBID.
32. IBID.
33. GLOBE, 23 October 1854.
34. MORNING CHRONICLE, 21 October 1854.
35. GLOBE, 23 October 1854.
36. MORNING CHRONICLE, 21 October 1854.
37. GLOBE, 23 October 1854.
38. MORNING CHRONICLE, 21 October 1854.
39. GLOBE, 23 October 1854.
40. IBID.
41. MORNING CHRONICLE, 21 October 1854.
42. IBID.
43. MORNING CHRONICLE, 21 October 1854. PORT HOPE GUIDE, 28 October 1854, attributes this speech to Mr. At. Gen. J.A. Macdonald.
44. GLOBE, 23 October 1854.
45. MORNING CHRONICLE, 21 October 1854.
46. GLOBE, 23 October 1854.
47. MORNING CHRONICLE, 21 October 1854.
48. LE PAYS, 21 October 1854.
49. GLOBE, 23 October 1854.
50. MORNING CHRONICLE, 21 October 1854, which attributes the speech to Mr. S. Smith.

51. PORT HOPE GUIDE, 28 October 1854.
52. LE PAYS, 21 October 1854.
53. GLOBE, 23 October 1854.
54. MORNING CHRONICLE, 21 October 1854.
55. GLOBE, 23 October 1854.
56. LE PAYS, 21 October 1854.
57. GLOBE, 23 October 1854.
58. LA MINERVE, 21 October 1854. TORONTO LEADER, 24 October 1854, comments:
 "The motion was received with a tremendous clapping of hands on all sides
 of the House; and as it was just six o'clock the House adjourned forth-
 with."
59. GLOBE, 23 October 1854.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. TORONTO LEADER, 24 October 1854.
66. GLOBE, 23 October 1854.
67. IBID.
68. TORONTO LEADER, 24 October 1854.
69. GLOBE, 23 October 1854.
70. IBID.
71. LE PAYS, 21 October 1854.
72. GLOBE, 23 October 1854.
73. IBID.
74. TORONTO LEADER, 24 October 1854.
75. GLOBE, 23 October 1854.
76. LE PAYS, 21 October 1854.
77. GLOBE, 23 October 1854.
78. TORONTO LEADER, 24 October 1854.
79. LE PAYS, 21 October 1854.
80. TORONTO LEADER, 24 October 1854.
81. IBID.
82. GLOBE, 23 October 1854.
83. LE PAYS, 21 October 1854.
84. IBID.
85. IBID.
86. TORONTO LEADER, 24 October 1854.
87. IBID.
88. LE PAYS, 21 October 1854.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. TORONTO LEADER, 24 October 1854.
94. LE PAYS, 21 October 1854.
95. IBID.
96. TORONTO LEADER, 24 October 1854.
97. LE PAYS, 21 October 1854.
98. IBID.
99. IBID.

WEDNESDAY, 18 OCTOBER 1854.

(194)

MR. Speaker laid before the House,--Detailed Statement of Property sold and acquired by the Soeurs de la Congrégation de Notre Dame de Montréal, received pursuant to the directions of Act 8 Vic. cap. 99.

For the said Statement, see Appendix (A.A.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Antoine Aimé Dorion,--The Petition of Samuel Snell, of the City of London, England, seaman.

By the Honorable Mr. Young,--The Petition of the Governors of the University of McGill College.

By Mr. Rankin,--The Petition of John Bell and others residing along the proposed line of Railway from Amherstburg to St. Thomas.

By Mr. Southwick,--The Petition of W. H. Allworth and others, of Port Stanley.

By Mr. Matheson,--The Petition of Asa Durkee and others, of the Township of Norwich, County of Oxford.

By the Honorable Mr. Morin,--The Petition of the President, Officers, and Members of the Literary and Historical Society of Quebec.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Returns of Commutations of Tenure effected within the Crown Domain in the Censive of Quebec, from the 1st August, 1852, to the 31st May, 1854; within the Censive of the late Order of Jesuits in the Districts of Quebec and Montreal, from the 1st August, 1852, to the 31st August, 1854; within the Crown Domain in the Censive of Three Rivers, from the passing of the Act 10 & 11 Vic. cap. 111, to the 31st August 1854; within the Censive of the late Order of Jesuits in the District of Three Rivers, from the 1st August, 1852, to the 31st August, 1854; and within the Censive of the Seigniority of Lauzon, from the 1st August, 1852, to the 31st August, 1854, received pursuant to the directions of the Act 10 & 11 Vic. cap. 111.

For the said Returns, see Appendix (V.)

(195)

Pursuant to the Order of the day, the following Petitions were read:--

Of Port Robinson Division, No. 86; of Birmingham Division, No. 221; of Percy Division, No. 270, all of the Order of the Sons of Temperance; of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; of C.B. Hawley and others, of the Township of Pembroke; of James Fell and others, of the Township of Augusta; of Fountain Union Daughters of Temperance, Guelph, Canada West, and others; of Samuel A. Walford and others, of the Township of Albion; of John Frank and others, of the Township of Caledon; of John Richardson and others, of the Township of Caledon; of Henry Morton and others, of the Village of Burritt's Rapids and vicinity; of Thomas Maley and others, of the Village of Kemptville; of Sarah Coyle and others, of the Township of Oxford; of John H. Holden and others, of the Township of Walford, North Riding of Leeds and Grenville; of Joseph Adair and others, of the Gore of Downie, County of Perth; and of the Municipality of Shefford; praying for the passing of a Prohibitory Liquor Law.

Of John H. Perry and others, of the Town of Whitby; praying for the passing of an Act to incorporate the said Town.

Of Joseph Lavoy and others, of the Parish of Ste. Elizabeth, County of Berthier; praying that the said Parish may be detached from the Municipality of Berthier, No. 1, and annexed to the Municipality of Berthier No 2.

Of Jean B. Mégré, of the Parish of St. Ambroise de Kildare, County of Joliette; praying compensation for his services during the late War with the United States, as also during the Rebellion of 1837-38.

Of Joseph Ducharme and others, of the County of Joliette; praying that the Parish of St. Félix de Valois may be detached from the County of Berthier and annexed to the County of Joliette.

Of the Municipal Council of the County of Middlesex; praying for certain amendments to the Act incorporating the London and Port Stanley Railway Company.

Of R. S. Tylee and others, on behalf of the Montreal Dispensary; praying for an Act of Incorporation.

Of the Reverend R. McGill, D.D., and others, on behalf of the Montreal Dispensary; praying for aid.

Of the Corporation of Bishop's College at Lennoxville; praying for aid.

Of Mrs. Eliza M. Massue and other Ladies, Directresses of the Charitable Association of Catholic Ladies of Quebec; praying aid in behalf of that Institution.

Of P. Dumais and others, School Commissioners of St. Louis, County of Kamouraska; praying aid for certain Education Establishments.

Of the Municipality of Shefford; praying for the passing of an Act to extend to Lower Canada the provisions of the Municipal Loan Fund Act of Upper Canada.

Of the President and Directors of the Shefford Academy; praying for aid.

Of Samuel Sinclaire and others, of the Township and Gore of Zone, County of Kent; praying for the passing of an Act to separate the Townships of Camden and Zone.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying for the speedy and complete secularization of the Clergy Reserves.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying for the repeal of so much of the Act of 10 & 11 Vic. cap. 14, as makes it a misdemeanor for persons authorized by law to baptize, marry, or perform the funeral service, to neglect making a Return thereof.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal and other Departments of the Public Service.

Of the Town Council of the Town of Chatham; praying for the passing of an

(196)

Act to authorize the sale of certain Lots or Blocks of Lands in the said Town granted to various Religious Corporations and for School purposes, and that the proceeds may be invested for their respective benefits.

Of James M. Hay and others, of the London Road, in the United Counties of Huron and Bruce; praying for certain amendments to the Common School Act.

Of the Reverend R. Robert and others; praying for indemnity to all those persons who have been unjustly excluded from the benefits of the Act granting indemnity to Sufferers by the Rebellion of 1837 and 1838.

Of Pierre Viger and others, of Boucherville, County of Chambly; praying for the repeal of the Ordinance 3 & 4 Vic. cap. 25, relating to winter vehicles.

Of P. Blanchet, of St. Mathias, County of Rouville; praying for certain amendments to the Municipal system of Lower Canada.

Of P.R. LaFrenaye and others; praying for certain amendments to the Judicature Act of Lower Canada.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have under their consideration the several subjects referred to them by Your Honorable House, and have also made progress in the examination of the Account Current of the Clerk.

Your Committee, upon the representation of the Clerk that the funds in his hands for the necessary disbursements of Contingent Expenses are exhausted, beg

leave to recommend that the sum of Eight thousand pounds, on account of such disbursements, be advanced to the Clerk, and that an humble Address to His Excellency the Governor General, for the purpose, be presented accordingly.

Resolved That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Eight thousand pounds currency, towards defraying the Contingent Expenses of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the College of Monnoir, and have agreed to certain amendments, which they respectfully submit for the consideration of Your Honorable House.

They have also examined the Bill to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the objects of the trust; and the Bill further to amend an Act, intituled, "An Act to incorporate certain persons under the name of the Quebec Friendly Society," and have agreed to report the said Bills without amendment.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find the Notices thereon correctly given, viz:--Of the North Shore Railway Company, for authority

(197)

to construct Docks in the River St. Charles; of the same, for amendments to their Act of Incorporation; of the North Shore Railway Company and the Montreal and Bytown Railway Company, for authority to construct a Railway from Pembroke to Georgian Bay; and of J. T. Taschereau and others.

On the Petition of Justus W. Williams and others, praying for an Act of incorporation for the construction of a Railway from Oakville to Milton and thence to Arthur, the Notice proved before Your Committee is confined to the County of Halton; and, as the last mentioned place is in another County, Your Committee recommend that the operations of the Company be confined within the limits of the County of Halton.

On the Petition of Duncan Sinclair and others, of the Township of Chatham, County of Argenteuil, for an Act to remove doubts concerning the Survey of certain side lines in that Township, Your Committee find that no Notice has been given.

The Petition of the North Shore Railway Company representing that their original Stock Book has been destroyed by fire, and praying for the passing of an Act to authenticate a copy of the same, does not, Your Committee conceive, require the publication of Notice.

Ordered, That the Bill to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the objects of the trust, be read the third time To-morrow.

The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the First Report of the said

Committee: which was read, as followeth:--

Your Committee have considered the Instruction of Your Honorable House, to enquire into the expediency of establishing a Branch Telegraph within the precincts of the Parliament House, connecting with the Office of the British North American Telegraph Association; and in pursuance thereto, appointed certain of their Members a Sub-Committee to confer with the different Telegraph Companies for the purpose of ascertaining whether either of them were willing to establish a Battery and place an Operator in the Parliament Building, or, in the event of their declining, to ascertain the cost which the House would have to incur in establishing a communication with the main Line.

The Sub-Committee so appointed have reported that they addressed Letters to the different Telegraph Companies, enclosing a Copy of a Resolution adopted by Your Committee, and had received a reply but from one Company, viz. The Montreal Telegraph Company, wherein it is stated by the Superintendent, Mr. O. S. Wood, that he is instructed by the Board of Directors to say, that if the Government will give a Room, with light and heat, free of charge, the Company will establish an Office, and place it in direct communication with their Line, which now extends to Windsor in Canada West.

The Sub-Committee further reported, that they have ascertained from the Honorable Mr. Speaker, that a Room adjoining the Messengers' Room on the first floor, is at the service of the Telegraph Company, and that consequently Your Honorable House can command the services of a Telegraph Operator located in their Building, without involving any outlay on the part of the Government.

Your Committee have therefore the honor to submit the matter for the consideration of Your Honorable House.

Ordered, That the said Report be committed to a Committee of the whole House, for To-morrow.

(198)

Ordered, That the Bill to incorporate the College of Monnoir, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to amend the Statutes of this Province respecting Mortgages of personal property in Upper Canada, and to consolidate the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Bourassa have leave to bring in a Bill to incorporate the Mutual Assurance Companies of the Parishes of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Foley have leave to bring in a Bill to provide for the representation in the Directory of Railroad Companies of Municipalities taking Stock in or loaning Monies to such Companies under the provisions of the Municipal Loan Fund Act of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of MR. PATRICK,¹

(198)

Ordered, That Mr. Felton, Mr. Mackenzie, Mr. Poulin, Mr. Casault, Mr. Jackson, and Mr. Antoine Aimé Dorion be added to the Select Committee on Temperance.

Ordered, That Five be the Quorum of the said Committee.

On motion of the Honorable Mr. Morin, seconded by the Honorable Sir Allan N. MacNab,

Resolved, That a Call of the House be made, on Thursday the seventh day of November next.

Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant-at-Arms attending this House.

Ordered, That Mr. Speaker do cause circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

Ordered, That Mr. Fortier have leave to bring in a Bill for the more expeditious transaction of public business in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-third day of October instant.

MR. MACKENZIE moved for the printing of certain returns relative to the Seignior of Lauzon, the report of the directors of the Great Western Railway, and Col. Prince's lease at the Rondeau.²

MR. PRES. EX. COUN. MACNAB asked what was the object of desiring the House to print the report of the directors of the Great Western Railway? The report had been printed by the Company and he dare say that the hon. member might have as many copies as he liked.³

MR. MACKENZIE did not want any copies at all; he knew all about it; but he wanted the report to be in the hands of all the members of the House, that they might know the expenditures. When he saw how many Provincial debentures had been issued to the company, the cost of keeping up the road, and that the Bank of Upper Canada had lent the company £318,000, at six per cent., he wanted to have the information in the hands of all the members of the House.⁴

MR. HINCKS said that the debentures issued to the Great Western Railway had been issued under authority of an Act of Parliament. The Company had expended about three millions, and all the debentures issued by the Province, which has a first mortgage on the road, is only about £500,000.⁵

(198)

Ordered, That the Return relative to the Seignior of Lauzon; the Report of the Directors of the Great Western Railway Company; and the Return relative to the Lease to John Prince, Esquire, at the Rondeau, be printed for the use of the Members of this House.

Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Prerogative Writs Act, and to make new provision respecting Writs of Seire Facias.

(199)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the first day of November next.

Ordered, That Mr. Foley have leave to bring in a Bill to increase the jurisdiction of the County Courts in Upper Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Lemieux have leave to bring in a Bill to incorporate the Quebec, Chaudière, Maine and Portland Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Petition of the Mechanics' Institute of Montreal, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, *Resolved*, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper Officer to lay before this House, a Return of the amount of unpaid instalments on the Lands known as Clergy Reserves in Upper and Lower Canada, which have been sold, but not patented, including arrears of interest.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Bill further to amend the Act, intituled, "An Act to incorporate certain persons under the name of the Quebec Friendly Society," be committed to a Committee of the whole House, for To-morrow.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 29th ultimo, praying His Excellency to cause to be laid before the House, a Return in detail, of the sums received and expended by the Commissioners of the Toronto Harbour, from the first day of January, 1853, to the thirtieth day of September instant.

For the said Return, see Appendix (G.G.)

The Honorable Mr. Chauveau also presented, by command of His Excellency the Governor General,--Division Court Rules, under the Act 16 Vic. cap. 177, sec. 10. For the said Rules, see Appendix (H.H.)

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate the Masson College of Terrebonne, being read; And the Question being proposed, That the Report be now received;

MR. PREVOST submitted to the House a question of concurrence in amendment of Committee of the whole to the Bill to incorporate Masson College. He made a few inaudible remarks in French.⁶

MR. BROWN said that this was the Bill which was before the House the night before last for the Incorporation of a College in the Parish of St. Louis de Terrebonne.⁷ La Chambre n'était pas prête l'autre soir à sanctionner ce bill tel qu'il était dressé, parce qu'elle trouvait quelques-unes de ses clauses très incomplètes.⁸ It recited that a school had been carried on in that locality under the auspices of the Roman Catholic Hierarchy, and went on to enact that certain parties should be incorporated, by some provisions not at all complete, and giving very little information as to the future objects of the Institution. If the hon. gentlemen who had charge of the Bill would consent to its being referred to a Special Committee perhaps it might be so altered as to be made acceptable to

the house. In the first place there was no clause which fixed the future objects of the Institution, though the charters of all similar institutions distinctly confined them to education, and prescribed the branches to be taught. The Bill further stated that the body corporate should consist of the Curé of the Parish, the first churchwarden, and the superior director, and procurator of the said college for the time being, but it did not say who these parties were, how they were to be appointed, and no provision was made as to their being removed or the appointment of their successors. It might be said that those parties would make by-laws for the future regulation of the college, but it was surely necessary that they should first be appointed themselves and if they were to be appointed by the operation of the Bill, surely the House might know who they were appointing. The conclusion naturally drawn was that the college was to be entirely ecclesiastical, and that the Roman Catholic Bishop would settle all that the Legislature left unsettled. If this was not so then let the Bill be sent to committee, and the names of the parties declared in it. Another objection to the Bill was that it made no provision for securing returns to the legislature in regard to the affairs of the institution. This provision was originally in the Bill, but it had been strangely enough struck out, and a clause inserted that such return should only be made when specially required by the Executive. The general principle approving to all such Bills was this. They had in Upper and Lower Canada a national educational system and he thought the Government should foster it as much as possible, and encourage as little as possible seminaries of a sectarian character. (Hear, hear.) It might be said that they were obliged to incorporate sectarian institutions, because otherwise property could not be transferred from one set of trustees to another. If there was any defect in the law of Trusteeship, he would say let it be amended, but they should not go further. The great object ought to be to provide a national educational system of a free and liberal character; and allow all sects to give such further education as they thought proper. It was alleged that this was a mere private institution, with the internal management of which the Legislature had no right to interfere; but how did this consist with the fact that in the public accounts of last year he found £550 given out of the public exchequer to that institution, and a similar sum in 1852? (Hear, hear.) Again, the Bill did not compel the body corporate to apply the whole of the assets of the institution to the purposes of the corporation; its provisions were left quite loose in ... that respect. There was another great objection in the Bill; one which applied to all these corporations⁹. Le bill donne ensuite à ce corps le pouvoir de posséder des propriétés foncières à une quantité qui ne produira pas plus de £1000; mais le bill ne dit pas si ce sera £1000 par an ou par mois. Encore le bill n'oblige pas la corporation à faire des recours de ses affaires à la législature.¹⁰ He was strongly opposed to the legislature's constantly granting these powers to such bodies to hold real estate, and keep it back from improvement; and he did hope that the present House would not legislate in the reckless fashion of the last, at the dictation of priestly influence. The measure being so defective, as he had pointed out, he hoped the honorable member who had charge of it would consent to its being referred to a Special Committee, but if not, he would move "That the question of concurrence be not now put, but that the said Bill be referred to a Special Committee of five members, with power to amend the same by declaring distinctly in the Bill the objects of the institution--the parties eligible to manage its affairs, and the mode of their election; also to provide that full returns of the condition and proceedings of the corporation be made annually to the Legislature; and that the institution may hold necessary personal property, and such real estate as may be required for the actual use and occupation of the corporation, but shall not hold real estate for endowment."¹¹

MR. HARTMAN ... seconded [the motion].¹²

MR. A. DORION (Montreal) thought the object of the Bill was perfectly clear. Its whole tenor showed that the parties were to be incorporated for the purposes of education. The College was already existing and organized, and all they wanted was power to hold and transmit property.¹³ He did not therefore think that the subject should be referred to a select committee.¹⁴ It was objected to the Bill that this House should not encourage sectarian education. That was an objection which might have some weight if the Government were asked to give a grant of money to this institution, but the fact was that the College had existed for a long time on money given to it by private individuals, and he could not see what objection there was to people of a particular sect giving their money to promote what education they pleased.¹⁵ It was by private endowment that this institution had been founded. It had now 180 scholars. The course of education there was not classical, but commercial and industrial, the English and French languages were taught there, mathematics, &c., and it is in contemplation to connect with it a model farm, so as to introduce agriculture into the institution. The persons then who wanted to be incorporated are, the Romish Priest, the first Church warden, the Superior, the Director, and one Professor. It was not necessary further to explain who they are.¹⁶ In regard to the objection that they were not bound to appropriate their assets to the purposes of the institution, he did not think that that was at all necessary, it being perfectly clear that they could not do otherwise.¹⁷ It was not necessary to mention in the bill that these officers shall be obliged to employ the revenues of the college for the purposes of private education alone, it was reasonable to suppose that they would do so.¹⁸ Il est clair qu'aucune corporation ne peut agir que pour les fins spécifiées dans le préambule de son acte.¹⁹ Another objection made by the hon. member for Lambton was, that there was no provision for making returns to Parliament as to the affairs of the Corporation. This provision has been struck out on the ground that the furnishing such returns would just be encumbering the tables of this House with useless statements which no one could ever look into.²⁰ La même chose a été faite pour une autre disposition.²¹

MR. BROWN reiterated his objections.²² [He] would object to the whole of the bill as it then stood, and it should be referred back to the committee in order to see what its objects are, which he (Mr. B.) did not find stated. He found however, that they were to acquire Real Estate whenever they chose to the extent of £1,000 a year, and with this power, it was absurd to call the college one of the Collegiate Institutions of Canada.²³

MR. COM. PUB. WORKS CHABOT, in French said the hon. member for Lambton was always in the habit of offering opposition to measures which related to the religion of Lower Canada; but he was happy to say that his opposition was always ineffectual; on the present occasion it was ridiculous.²⁴

MR. DEWITT.--Had a high respect for the sanctity of conscience--wished it came before this House and should not have been kept back for concurrence at this time. He did not understand that the honorable member for Lambton had any ground to oppose this bill, or an amendment to propose, but the honorable member for Lambton upon this occasion, as on all others, called this an "extraordinary bill." The Acts of Incorporation for the Baptist Canada Missionary Society of Montreal, and the College d'Assomption, were applied for in the same manner as the present was. The priests of Catholic parishes were appointed by the Bishops, and it would be inconvenient to name them, the priests in the Act of Incorporation, because in the case of his dying, another priest would succeed him. The change in curés, therefore, would interfere with the wording of the Act. The rector of the parish was for the time being a member of the Corporation of the College. The honorable member for Lambton evidently had followed his usual course in opposing any Bill to incorporate an educational Society

or College for Lower Canada. Whenever he had a chance he abused the great majority of the Lower Canadian Roman Catholics. But he (Mr. C.) would tell the honorable member for Lambton that such a course did not meet with approval in Upper Canada, and he would now acknowledge the good sense of Upper Canada as shewn by the last election, in having sent so few members to this House who coincided with the honorable member for Lambton in his attacks upon Lower Canadian Catholic institutions.²⁵ As these parties had been carrying on their educational establishment by means voluntarily contributed, he could not refuse them an Act of Incorporation. He would give to others all he claimed for himself. He would not invade the sanctity of conscience, but would allow every body to educate their own people in their own way.²⁶

MR. BROWN would call the honorable member's attention to the act incorporating the College d'Assomption, to shew that the corporation was to consist of five persons, out of whom four were to be chosen by the house holders of the parish.²⁷

MR. COM. CR. LANDS MORIN would not refuse incorporation to any educational colleges, whether religious or not. It was only by allowing all to educate in their own way that any good could be expected to be done.²⁸ [He] landed (*sic*) the Masson College as a most useful institution, and maintained that the Legislature had no right to interfere with the teaching of religion in it, according to the views of the parties who had the management of the institution.²⁹ He met the objection that the parties to be incorporated were not named, by saying that the persons who held these situations die and the only practicable way is to incorporate the officers.³⁰

MR. CARTIER said no objection of any weight had been offered to the bill. It was on the same principle as the bill incorporating the Baptist Missionary Society of Montreal.³¹

MR. BROWN.--No.³²

MR. CARTIER repeated his statement.³³ He supposed the hon. member for Lambton intended to take the same course as he did last session, and pursue the same system of abuse towards the great majority of the people of Lower Canada, because they happened to be Catholic, always attacking these institutions as having for their object the favouring of the Catholic religion more than any other religion. The hon. member for Lambton had been a considerable time in the House and he might now know pretty well that such a system did not take, not even to Upper Canada. He (Mr. Cartier) was glad to see the result of the late elections in Upper Canada, that, after all that that hon. member had said against the Roman Catholics of Lower Canada, he had not received the support he expected in Upper Canada. He was happy to acknowledge the good sense of the people of that section of the Province, in their having sent so few members to this House who coincided with the hon. member for Lambton in his desire to attack everything that was Catholic.³⁴

MR. J.S. MACDONALD (Glengary).--The object of Madame Masson was to found a college to prepare youth for commercial, agricultural and industrial pursuits. £500 had been granted previously by government to the college³⁵ for the completion of the buildings³⁶ but if an application were made to this house to grant an annual appropriation to it, like other colleges, in order to enable it, to carry out its objects, he would never vote for the bill; but as Masson College only desired an enactment to make it a perpetual institution, he should make no objection. The objects were to him clearly defined in the act. He had nothing to do with the form of education adopted by the college; and if it was sectarian it was none of his business, but yet, he went upon this principle, that

it was not just the money of the people should go to support sectarian establishments.³⁷ If education was given in institutions supported by the private charity of individuals, it was not for him to enforce rules and regulations to suit his own views, whether the parties should be Jews, Protestants, or Christians (laughter). The benevolent lady who founded the institution might order such prayers as she pleased, and the priests might sing psalms all day, as long as this House was not called upon to support them.³⁸ He cared not whether the institution were for Jews or Turks--so long as it was carried on by private means they would not be justified in refusing to incorporate them.³⁹ The college should have sufficient space given them for their purposes, but nothing further, and it would not be right to ask this house to sanction investments of sums of money in such property. He (Mr. McD) could not agree with the member for Lambton as to the objects of the college not being clearly defined in the act; as to the returns alluded to, the Bill was clear enough.⁴⁰ There was a motion, however, which he understood would be made by the member for North York (Mr. Hartman) which should have his support, a motion namely, to restrain this or any other Institution from acquiring more land than was required for its actual occupation. There were the public funds of the Province in which all such institutions should be satisfied to invest their money.⁴¹

MR. HINCKS could not but congratulate the House and the country on the cause which had been taken by hon. gentlemen on the other side⁴² [le] membre pour Lambton et ... ses alliés.⁴³ Notwithstanding all the ingenuity displayed by the honourable and learned member for Glengarry to define his position, this was precisely one of those ecclesiastical corporations about which the whole upper section of the country had been rising for the last two or three years.⁴⁴

MR. BROWN.--Hear, hear.⁴⁵

MR. HINCKS [continued:] Opposition to ecclesiastical corporations was the political capital on which⁴⁶ the honorable member for Glengarry had been trading in Upper Canada, that made him oppose all Ecclesiastical Corporations, and this Masson College was just one of those to which he had ever been opposed.⁴⁷ This was one of those ecclesiastical corporations for which he (Mr. Hincks) and all who had supported them had been denounced from one end of the country to the other.⁴⁸

MR. BROWN.--"certainly?"⁴⁹

MR. HINCKS [continued:] He said this for the special benefit of the hon. member for Glengarry, the leader of the section who had traded on that political capital.⁵⁰ The member for Glengarry, who as leader of those gentlemen who trade in Ecclesiastical Corporations, had by his declarations this evening overthrown all his former views.⁵¹

MR. BROWN.--Hear! hear!⁵²

MR. HINCKS [continued:] But he also had to congratulate the country upon the speech delivered by the honorable member for Lambton. There was a very great improvement in his tone of language.⁵³

MR. MACKENZIE.--Hear! hear!⁵⁴

MR. HINCKS.--Was glad to hear the honorable member for Haldimand cry "hear! hear!"⁵⁵ He wished to call the particular attention of his friends, in Upper Canada, to the fact that the hon. member for Lambton confined his opposition to the allowing of this institution to hold land. He (Mr. B.) had not objected to it on the ground that it was an Ecclesiastical Corporation Bill.--⁵⁶

MR. BROWN.--I stated distinctly that I objected to the whole thing, if it was an ecclesiastical corporation, and the object of my motion is to declare on

its face, whether it is one or not, so that we may vote upon it at a future stage with a full understanding.⁵⁷ If this Corporation was as he (Mr. B.) took it to be, an Ecclesiastical one, Mr. Hincks would find his (Mr. B.'s) vote where it had ever been.⁵⁸

MR. HINCKS said that the misfortune was that the honorable member for Lambton and the members of this House generally could not agree as to what an ecclesiastical corporation was. When he (Mr. Hincks) agreed to incorporate some benevolent ladies down on the aSguenay (sic) for the purpose of establishing an Hospital he did not think that he was establishing an ecclesiastical corporation, but he knew that thousands and thousands of people in Upper Canada believed that it was an ecclesiastical corporation, for the hon. member for Lambton told them so. The hon. member for Lambton had a number of people who believed all he said, and adopted all his views. But he (Mr. Hincks) had never changed his course in regard to these Institutions, and if other honorable members from Upper Canada would state to their constituents their ground for acting, they would be supported in the way that he had been by the electors of Oxford.⁵⁹ Much as was said against sectarianism by those who opposed bills like this, he believed that there was more sectarianism in the objectors than in the others.⁶⁰ As to the question of land, he (Mr. H.) thought that we should bear in mind the circumstances of the country in which we live. There is an enormous amount of land in it, and if the object be, to give facility to these Corporations, we should not prevent them holding those descriptions of property which they are most likely to obtain, not that he (Mr. H.) thought that any of these lands would get into mortmain.⁶¹ He was not opposed to their holding landed property for some time, till it became very valuable as they would have to pay the taxes on it.⁶² When they heard of Sectarian institutions and feeling, he was much inclined to think, that there is as much sectarian feeling on the part of those persons who are always calling out against Catholic Institutions as they attributed to the supporters of such Institutions. If we should prevent these Institutions from acquiring lands, it would be the cause of blocking up the means of these establishments, and prevent them gaining support.⁶³ It was often very inconvenient to give money; and these bodies should be allowed to hold property in that shape which would be likely to be most beneficial to them.⁶⁴ When a man was owner of a considerable quantity of wild land, and disposed to support an Institution of this sort, he might not find it convenient to give £50 or £100, and would much rather give a lot of land.⁶⁵

MR. BROWN.--Let them sell the land.⁶⁶

MR. HINCKS.--That might not be so easy in all cases.⁶⁷ The honorable member for Lambton wished to have the bill referred to select committee, not only to declare what the objects of this College are, but who are the parties eligible to file the Corporation body. This was a most extraordinary position for the honorable member to take. In his (Mr. H's) opinion, the parties named in the bill were clearly those in whom the benevolent founder of this College thought that she could have confidence, and she prays of the House power for these individuals to hold property.⁶⁸ With regard to the speech of the hon. and learned member of Glengarry, who had taken such pains to draw a distinction between his own views and those of the hon. member for Lambton, he begged members to mark the course taken on this Bill, and it would seem that the member for Glengarry and the member for Lambton would be found voting together against the Bill⁶⁹ when it came up upon a third reading.⁷⁰

MR. BROWN.--Hear! Hear!⁷¹

MR. HINCKS.--The honorable member for Glengarry had made an exceedingly liberal speech⁷² in reference to the Bill, but after all was over there was some little exception behind, about an objection to property going into mortmain.... The hon. and learned member's speech was one of those which were sometimes

characterized as bunkum speeches.⁷³ He must confess that there was something that he (Mr. H.) did like about the course of proceeding of the honorable member for Lambton which was that he (Mr. H.) had always found him very straightforward, as he now found him to be.⁷⁴ He was beginning to be apprehensive that he was backing out, and that he was to take the course of the hon. member for Glengarry, but he saw now that he was going just as he had always done before.... Mr. H. then proceeded to allude to the programme of a new administration to be formed by gentlemen on the other side, which he said had been handed about at the beginning of the Session. The discussion of this evening, he said, was an illustration of the fact that the Upper Canada section of that party and the Lower Canada section of it did not hold views altogether in common. If they had succeeded in forming a Government, it would have been found that there were some little difficulties in the way, and that all was not so smooth sailing as they had expected. The hon. member for Glengarry's speech was intended to induce the hon. member for Montreal and his friends to believe that he did not entertain the views of the hon. member for Lambton.⁷⁵

MR. BROWN.--hear, hear.⁷⁶

MR. HINCKS concluded by declaring his belief that the members for Glengarry, Lambton, North York, Cornwall, North Waterloo, and West Middlesex, would vote together against the bill at the third reading although some of them had spoken so mildly on the subject.⁷⁷

MR. J.S. MACDONALD, of Glengarry, said there was no occasion for Mr. Hincks guessing what he (Mr. M.) would do.⁷⁸ [He] denied the justice of the imputations of the hon. member for Renfrew.--He had distinctly stated in his speech that he would not vote for this Bill or any other Bill that had a mortmain clause in it, and he had said most distinctly that he was to vote for the amendment of the hon. member for North York. (Mr. Hartman.)⁷⁹

MR. HINCKS understood him to say that he would vote for the amendment but not for the bill.⁸⁰

MR. JOBIN would concur in the amendments made in general committee upon this bill, and would vote against the amendment proposed by the honorable member for Lambton. He (Mr. J.) regretted that the honorable member had returned to parliament with his old prejudices. He (Mr. J.) hoped that the House would not support the honorable member for Lambton. The corporation in question was a beneficial one.⁸¹

MR. CAUCHON understood the speech of the honorable member for Glengarry, as being in favor of the measure, but the honorable member for Lambton was well known to be an extraordinary enemy of what he (Mr. B.) called "ecclesiastical corporations." He (Mr. C.) did not think that the term had any meaning in it.⁸² The hon. member was a great champion of religion. The whole of his politics had been religion and he must surely therefore be very devout.⁸³ The honorable member for Lambton was only a radical as far as religion went.⁸⁴ In other politics the hon. member had always been a Conservative, a greater Conservative than the hon. and gallant member for Hamilton, or he (Mr. Cauchon) did not know what the meaning of Conservative was. The hon. member for Lambton was not a Radical at all except in religion. He had done a great deal of harm in the House and out of the House, but he (Mr. C.) was glad to find that he had not this session brought down with him from Upper Canada such an immense tail of followers to support his ideas as might have been expected.--⁸⁵ Malgré toutes ses criaileries il n'a rien fait pour augmenter le nombre de ses disciples. Sa minorité est aussi mince qu'elle l'a toujours été.⁸⁶ He had brought no majority with him upon any question, either religious or political. It was not his (Mr. C.'s) opinion, like the honorable member for Renfrew's, that the honorable member for Lambton was

straightforward in everything he did in that House, or he would not oppose invariably these "Ecclesiastical Corporations", as he (Mr. B.) termed them. That was not a fair way of acting. His conduct in the last Parliament was not approved of by the country, and the honorable member for Lambton had made capital out of it, therefore how could any men who had any respect for themselves, support that honorable member. Had not the member for Lambton supported these Ecclesiastical Corporation measures from 1848 to 1850, and did he raise his voice against any measure that was brought in by the then Government?⁸⁷

MR. BROWN.--Against those very Bills.⁸⁸

MR. CAUCHON said the hon. member for Lambton supported the government at the time these measures were carried, and never said a word against one of them while they were before the House. He did oppose them, after they had been passed a year or two, in 1850, when he took it into his head to turn leader.⁸⁹ He did a great deal of harm in forcing some members from Upper Canada, who were afraid of their constituents, to vote in a way that they would not otherwise do. If he forced these to do what they did not consider rational, the sooner they could escape from him the better. The member for Lambton had attempted to raise himself to be the leader of a strong party by taking advantage of the strong religious feeling in Upper Canada. That feeling had by unfortunate circumstances been raised to a great pitch, but the greater part of the responsibility lay on the shoulders of the hon. member. Nothing but evil could result from the course he had pursued. Some of the members who would be forced to vote with him would go into the lobby, and say--"how could we help ourselves! we would like to leave the hon. member for Lambton alone, but our constituents have strong religious feelings against these corporations, and would like to sweep away everything that is not of their own religious creed. We cannot help ourselves." The measure, however, he had no doubt would be carried by a large majority, and the people of Lower Canada would not be put down by men actuated by such feelings as those which actuated the hon. member for Lambton. They had no desire to multiply corporations to a dangerous extent, but when their powers were limited, and when the object was so pure and benevolent as was the case in the present instance, he had no doubt that a large majority of the House would support the measure.⁹⁰ Mr. Cauchon said he was not anxious to see these corporations permitted to hold real estate to a dangerous extent.⁹¹

MR. FERRES said that in the present age of the world, any man who rose up to condemn efforts for the education of the people would hardly be listened to. It would ill become him, therefore, to offer any objections to charitable individuals bestowing their means for purposes of education; and he must say that he rejoiced to see the liberality with which the Roman Catholic population of this country had come forward on many occasions to support collegiate institutions⁹² and he (Mr. F.) would certainly not oppose any measure which sought to give education, but at the same time, parliament should take care that we know something of the parties in whose hands the responsibility of carrying on these establishments is to be placed.⁹³ The hon. member for Glengarry was perhaps a little quicker sighted than he was, when he discovered that the objects of the institution which it was now proposed to incorporate, were sufficiently indicated in the Bill. The Bill said that those objects were laudable, but what they were it did not specify.⁹⁴ It did not say that these parties are to be organised for the purpose of continuing to educate young people. If that object were provided for, a great deal of his objection would be removed.⁹⁵ They were asked to incorporate the Superior, Director, Procurator, &c., of the college.⁹⁶ He did not know either what was meant by "the Director, Procurator or Curé," and would like to have an explanation.⁹⁷ He wanted to know who these parties were, and their functions

and duties should be clearly stated in the Bill. It was not enough that the mover of it should give the explanations in this House. Every man in the country had a right to enquire of the Statute itself, who these parties were whom it incorporated. He was glad to hear the member for Montmorency say that institutions of this kind should not be incorporated to a dangerous extent, but he would like to know what he meant by a dangerous extent.⁹⁸ He then read a list of all the corporations of this kind created in Lower Canada since the union; with the amounts of real property they are allowed to hold.⁹⁹ Depuis l'Union jusqu'en 1851, on a incorporé des sociétés avec pouvoir de posséder ensemble, une étendue de terre qui vaut £86,000. Depuis 1851, on a incorporé d'autres sociétés avec pouvoir d'acquérir des terres jusqu'à la valeur de £8,220; faisant ensemble un montant de¹⁰⁰ £94,453, 6s. 8d. The capital of that at 6 percent is £1,554,220.¹⁰¹ Previous to the union, there were locked up in mortmain, in Lower Canada, a million and a-half of acres¹⁰² at a rough calculation ... which are held by the Seminary and Religious establishments of Quebec, Montreal and Three Rivers¹⁰³ and since the union they had added as many acres as £1,574,000 would purchase.¹⁰⁴ Not an acre of these lands had been sold.¹⁰⁵ Mais ce bill est pire que ne sont les bills ordinaires, en autant qu'il ne contient aucune clause pour limiter l'emploi des fonds de la corporation aux fins d'éducation.¹⁰⁶

MR. CAUCHON.--Remettez donc cette clause.¹⁰⁷

MR. FERRES.--Eh bien! la facilité avec laquelle les amis du bill consentent à ce que cette clause soit remise, fait voir qu'on doit remercier le membre pour Lambton pour son travail.... Le membre pour Renfrew dit que la terre est l'espèce de propriété qu'on donne le plus librement à ces institutions. Sans doute, c'est aussi l'espèce de propriété que ces institutions gardent le plus sûrement, et c'est de cela qu'il se plaint. Il n'y a aucune limite au pouvoir qu'on a octroyé à ces institutions d'acquérir et de garder des propriétés foncières.¹⁰⁸ He thought it was at least time to pause. If they were not already in danger, they should take time to reflect lest they should get into danger. (Hear, hear.) If these accumulations of land in Mortmain continued to increase as they had done for the last fifteen years, ere long there would be a violent revolution of sentiment, and the people would rise against them and sweep them away, as had been done in several countries in Europe. It was to prevent such violent convulsions, that he urged that the evil should be checked now. Some of the corporations had an unlimited power to hold property. Whenever the Pope of Rome appointed a Bishop to Canada, that Bishop became a corporation sole by the statute law of the Province, and could hold property to any amount. Was there no danger to the liberties of the country in that unlimited power being given to foreigners, appointed by a foreign ruler, to hold land to any amount in this country?¹⁰⁹ Now this was not a question simply of education, because if it was there would be [no] necessity for the college holding lands; another objection was, that it did not appear that the £1,000 which the college received was to be a yearly revenue. Upon that point alone it would ... be well to send the bill back to committee. The returns should also be produced.¹¹⁰ It had been said that the Legislature had no concern with the management of this college, because it was a private institution. He found, however, that in 1852 a grant of £550 was given to it from the public funds; and that last year a further grant was made to it, also of £550. And yet, forsooth, he was told that he had no right to say anything about this institution, because it was established by private funds, when, even before the buildings had been completed, the Province had made a grant to it of £1,100. After granting such a sum as that, the House was surely entitled to know something of the objects and management of the institution. He for one could not consent to vote for a measure which he did not understand, and of which he did

not see the aim or the object. (Hear, hear.)¹¹¹ It was not to be supposed that these institutions are to go on in the way that they have been for so many years, for the people would rise against them, as they had against the Clergy Reserves and sweep them away. He (Mr. F.) spoke for the interests of no Church, nor cared he for any, but he looked to the public advantage and security, and he insisted upon it that if such institutions were to be created in this way, that they should have power to hold land.¹¹²

MR. FOLEY.--Had never been a follower of the honorable members for Lambton or Renfrew, and would vote for the Bill¹¹³. He should vote for it because he could not believe it to be wrong to legalize that which he conceived to be right in itself. He could not see that it was intended to establish an ecclesiastical corporation. It was stated in the preamble that the institution furnished a commercial, agricultural, and industrial education. He had yet to learn that that comprehended an ecclesiastical education.¹¹⁴ Even if a Bill came before the House for the incorporation of an Ecclesiastical Corporation, he should judge of it only upon its merits.¹¹⁵ He did not see any objection to the amount of revenue which the institution might derive from real estate, it could not be carried on for less than £1,000 a year. As to the grants which had been previously given to this institution, he did not see that we have now anything to do with that. It was the act of a former Parliament. Was he to deny to the Roman Catholics rights which he claimed for the people of his own faith. He was willing to give this and no more. The bill created no religious corporation.¹¹⁶ This Bill asked for no religious rights, or the recognition of any religious distinctions.¹¹⁷ He came from one of the most radical constituencies of Upper Canada, and he was not afraid to declare that he would support the bill.¹¹⁸

MR. FERRES said in explanation that he had not made objection to the principle of religion in a corporation.¹¹⁹

MR. FOLEY had understood the whole tenor of the hon. member's argument to tend to that end.¹²⁰

MR. POULIOT (in French)¹²¹ prétend que les corporations religieuses exercent une influence très salubre sur le peuple du pays, et quant à ce collège les messieurs qui ont objecté aux subventions en sa faveur auraient pu montrer leur économie d'une meilleure manière, que de se récrier contre un octroi fait pour la cause de l'éducation. Mais cette conduite est d'accord avec ce qu'a fait le membre pour Missisquoi en introduisant un bill pour abolir les fêtes d'obligation en autant que les Banques sont concernées. Pour être logique ce monsieur doit aussi vouloir le sabbat. Toutes ces réclamations contre les institutions religieuses ont le même but, c'est de détruire la religion elle-même, ce principe dont la société a tant besoin, pour la garantir contre les dangers qui l'entourent. Il en appelle aux membres du H.C. de respecter les croyances religieuses du B.C. comme ceux-ci respectent les leurs.¹²² He did support the present bill because he believed it was like those that had before been passed by the Legislature.¹²³

MR. A. DORION said with reference to the clause providing for the appropriation of the funds of the institution that every advocate or other intelligent person knew a corporation could not expend money for any other objects than those mentioned in its charter. The funds of an institution incorporated for the purpose of education could not be applied to any purpose other than that of education.¹²⁴ [He] explained the reasons why certain provisions of the Bill had been struck out, which, had they been allowed to remain would have obviated many of the objections taken to it.¹²⁵ [Il] dit que la clause qui limitait l'emploi des deniers de la corporation aux fins d'éducation peut être remise, excepté en

autant qu'elle permettait l'appropriation des fonds pour la nourriture des membres du corps--ce qui n'est pas nécessaire, car un de ces membres doit être le curé, qui est concerné dans une autre clause.¹²⁶ In order to meet the views of all sections of the House, if the hon. member for Lambton would withdraw his motion, he would move the following amendment:--¹²⁷

(199)

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Prévost, That all the words after "That" to the end of the Question, be left

(200)

out, in order to add the following words instead thereof: "the Bill be recommitted to a Committee of the whole House, with a view to amend the same, by declaring in the Bill that 'the rents, issues, and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of Education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid,' and by inserting the word 'annual' between the word 'the' and the word 'sum' in the first Clause of the said Bill["];

MR. BROWN was willing to withdraw his motion in favor of Mr. Dorion's amendment as the hon. gentleman's proposal was a gain of so much, and it was quite clear his own further proposition would not carry. The hon. member for York would propose, however, an addition to Mr. Dorion's motion, which he trusted the House would adopt.¹²⁸

MR. HARTMAN wished another instruction to the Committee to be added¹²⁹. Il pense que la facilité d'obtenir de la terre, que l'ex-Inspecteur gén. croit être une raison pour ne pas limiter le pouvoir de posséder de la propriété foncière, lui semble être une raison pour l'opinion contraire.¹³⁰ There was danger in these institutions acquiring large quantities of land. Land was cheap now that the country was new, but it would not always be so, and large numbers of these institutions possessed of large quantities of land might become a dangerous power of the state.¹³¹ C'est cette facilité qui permettrait aux corporations de s'emparer de vastes étendues de terre, où dans la suite les habitants seraient de misérables tenanciers au lieu d'être propriétaires.¹³² He should therefore move an amendment:¹³³

(200)

Mr. Hartman moved in amendment to the said proposed Amendment, seconded by Mr. Ferrie, That the following words be added at the end thereof: "and also by leaving out the words 'that the revenue arising from any lands and tenements situate in this Province, other than the lands on which the buildings of the said College are erected, and its dependencies, shall not exceed the sum of one thousand pounds currency' in the said first Clause, and inserting the words 'that the said Corporation shall not have power to acquire or hold any real estate, except such as may be necessary for the actual use and occupancy of the said College'" instead thereof;

MR. HINCKS was opposed to the amendment.¹³⁴

MR. BROWN spoke in favour of Mr. Hartman's amendment. It was now proposed, he said, to secularize the Clergy Reserves, but what was the use of pretending to secularize these things with the one hand, while they built them up with the other in an infinitely more dangerous manner. If they went on in the same way for a few years longer, they would find, as had been the case in all Roman Catholic countries in Europe, that a violent movement would be made, and the whole

abuse be swept away at the demand of public opinion.¹³⁵ Look at Spain--see what evils have resulted from them in that country; and he called upon a ministry that was about to secularize the Reserves to see how they created another more pernicious kind of religious property.¹³⁶ He would like rather to see a stop put to such things in a rational manner.¹³⁷

MR. LANGTON also supported the amendment.¹³⁸ [He] had always had difficulty on questions of this kind during the last parliament; and he had always voted for them with much regret. He could not doubt that the ultimate effect that would arise from them was to be feared. But on the other hand, he could not but perceive that they were intimately connected with the feelings, the wishes and the genius of the great majority of the people of Lower Canada. Their charitable institutions, their educational institutions, their hospitals, &c., were all more or less a species of ecclesiastical corporations, and he was one of those who did not believe in making the attempt to stretch as it were a whole people on a kind of Procrustean bed, because they did not, or would not, think as he did. He was convinced that such attempts would do more harm than good.¹³⁹ Mais la question maintenant soulevée va bien plus loin, car il ne voit aucune nécessité pour que ces corporations aient droit de posséder des terres. Il y a d'autres moyens d'appliquer de l'argent pour produire un revenu. La multiplication des institutions possédant de grandes étendues de terres doit être très dangereuse, et si on n'en a pas déjà éprouvé l'inconvénient, on l'éprouvera bientôt, comme en tout autre pays.¹⁴⁰

MR. J.S. MACDONALD, of Glengary, objected to the amount of real estate which the bill empowered the corporation to hold; and declared his intention to vote against any bill which locked up unnecessary amounts of land in mortmain. He wished to set himself right with regard to the charge of the hon. member for Renfrew. Had he (Mr. M.) spoken in favor of the bill, and would be found voting with the hon. member for Lambton against it? That hon. member had made an objection to it for which the House was about to send the bill back to the committee.¹⁴¹

MR. A. DORION (Montréal) dit que la question soulevée à présent est bien autrement importante que celle dont on vient de disposer. Il a déjà pris la première occasion qui se présentait pour exprimer son opinion, qui est bien arrêtée, contre un système qui permet à la propriété foncière de tomber en mains-mortes. Dans le comité, il a tâché de restreindre la quantité de terres que cette corporation pourrait acquérir à une valeur de £500 par an, mais il n'a pu réussir. S'il croyait réellement qu'il soit nécessaire pour les fins d'éducation que la corporation en eût une plus grande quantité, il voterait pour la lui donner parce qu'il pense qu'il faut dans ce pays favoriser l'éducation quand même cela serait au sacrifice de quelques principes; mais il ne voit pas pourquoi on ne peut pas créer un revenu pour cette fin à même des propriétés mobilières.

On ne peut fermer les yeux sur le fait que ces mains-mortes ont été créées dans toutes les parties de la province, et on ne peut non plus s'empêcher de craindre que, plus tard, elles ne soient une cause de trouble et de dissensions. On dira peut-être qu'il n'y a pas de danger. C'est vrai quant au temps présent, mais si on continuait de donner à une corporation après l'autre, le droit d'acquérir 1000, 2000 ou 5000 arpents, un temps viendra où il y aura du danger. Dans le comté de Terrebonne, et les deux comtés qui l'avoisinent, il y a déjà des corporations qui ont droit de posséder des propriétés foncières jusqu'à une valeur annuelle, qui représente un capital de £200,000. Cette somme achèterait la moitié de ces trois comtés. Le danger n'est pas immédiat; mais c'en est un qu'on peut bien entrevoir dans le lointain, et dont on a déjà un exemple dans la

question des Réserves du Clergé.

Il ne parle pas ici des corporations ecclésiastiques plus que des autres; mais de toutes les corporations quelconques. Il croit, en effet, que l'éducation religieuse est tout aussi importante que les autres espèces d'éducation, et même qu'elle est essentielle à toute autre; mais il craint que si l'on allait toujours donnant ces privilèges d'acquérir des immeubles, la moitié des propriétés foncières de la province tomberait en main-morte. On dira peut-être que cette tenure n'est pas celle de main-morte, vu que les corporations peuvent vendre leurs propriétés; mais quoique cela soit vrai en théorie, en pratique elles ne se vendent point, mais vont toujours s'accumulant en étendue aussi bien qu'en valeur. Les subs[ti]tutions sont restreintes par la loi du Bas-Canada, et les objections contre les propriétés en main-morte découlent du même principe. Il votera donc pour l'amendement de M. Hartman.¹⁴²

MR. S. SMITH, of Northumberland, could not give a silent vote. He would oppose any bill that would place any one denomination above another, and were it an application for a bill to incorporate a similar institution in Upper Canada he would advocate the same restrictions. He did not regard the present bill as an Ecclesiastical bill or a bill to incorporate a religious body. He was in favor of passing the bill, but with the restrictions now proposed, and he was in favor of extending the same consideration to measures affecting Lower Canada as to those affecting Upper Canada. He would support any law calculated or intended to give all classes equal rights, and would oppose any law calculated to give any one class, rights not enjoyed by others, whether Catholics or Protestants. He would support the motion because it agreed with the principles he had always advocated--Equal justice to all.¹⁴³

MR. GOULD supported the amendment.¹⁴⁴

MR. AT. GEN. DRUMMOND was surprised to hear so many gentlemen who pretended to be the friends of education object to this bill. What was a thousand pounds a year for the support of a college? He was surprised to see gentlemen who pretended to be liberals opposed to progress--opposed to the granting of a charter to an educational institution. To make objections to such institutions holding land, was to object to them altogether, or very nearly so, for lands, and not money, were the most frequently given to them in this country.¹⁴⁵ The hon. member for Montreal (Mr. Dorion) had said that he could not vote to allow the institution to hold more than £500 a year worth of land. Was that the sort of institution which the hon. member wished to support?¹⁴⁶

MR. HOLTON nie que le membre pour Montréal ait voulu le faire. Ce membre a dit que si l'amendement n'est pas emporté, il votera pour le bill.¹⁴⁷

MR. AT. GEN. DRUMMOND en tout cas ne croit pas que le pays soit en danger d'une votation telle que celle dont il s'agit, pour aider le travail des personnes qui épuisent leur vie à faire le bien.¹⁴⁸ He did not see why they should be limited to hold lands of the annual value only of £500. As to mortmain, which appeared to hon. gentlemen so much we had nothing in this country what could properly be called mortmain at all. The evil of mortmain in the old world had arisen from the inability of holders to alienate lands on any conditions whatever. No lands were so held here; and he had no fears from what hon. members called locking up in mortmain.¹⁴⁹ He would be as much against corporations of any kind, whether civil or religious, holding large quantities of land in mortmain, as understood in Europe; but he did not see any objection to corporations holding real estate to draw a reasonable income from it.¹⁵⁰ The Law¹⁵¹ passed in 1841¹⁵² in Lower Canada was strict with respect to corporations; & if they exceed the limits of their charters they may speedily and summarily be brought to account. He had

no objections to that clause being put back in the bill which stated what should be done with the funds of the institution.¹⁵³ Perhaps it would be advisable to adopt a scale regulating the amount of property which any corporation may hold; and he hoped that it would be possible to frame a bill on the liberal and enlightened principles advocated by the hon. member for North Wentworth, to place all denominations on an equal footing with respect to incorporations whether educational or religious.¹⁵⁴ He would not conclude without saying that he hoped before long to have a general bill passed on this subject, and thus prevent these untiring discussions. Indeed he hoped to see one carried before this session was over.¹⁵⁵

(200)

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Chisholm, Charles Daoust, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferres, Ferrie, Frazer, Freeman, Galt, Gould, Hartman, Holton, Langton, Lumsden, John S. Macdonald, McKerlie, Matheson, Mattice, Munro, Murney, Papin, Scatcherd, Sidney Smith, Somerville, Wright, and Young.--(32.)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bourassa, Bowes, Bureau, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Cooke, Crawford, Daly, Jean B. Daoust, Darche, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Foley, Fortier, Fournier, Gill, Guévremont, Hincks, Huot, Jackson, Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Patrick, Polette, Poulin, Pouliot, Powell, Prévost, Rankin, Rhodes, Roblin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Southwick, Stevenson, Taché, Terrill, Thibaudeau, and Valois.--(68.)

So it passed in the Negative.

And the Question being put on the Amendment to the Original Question:--It was resolved in the Affirmative.

Then, the main Question, so amended, being put;

(201)

Ordered, That the Bill be recommitted to a Committee of the whole House, with a view to amend the same, be declaring in the Bill that "the rents, issues, and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of Education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid," and by inserting the word "annual" between the word "the" and the word "sum" in the first Clause of the said Bill.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Papin reported,

That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Papin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time Tomorrow.

Then, on motion of the Honorable Mr. Chabot, seconded by Mr. Antoine Aimé Dorion,

The House adjourned. 156

[QUESTION AND ANSWER RE: NAVIGATION OF NORTH RIVER.]

MR. BELLINGHAM enquired whether it was the intention of the Board of Works to adopt any measure to improve the Navigation of the North River, in order that steamboats may ascend that River to St. Andrews?¹⁵⁷

MR. COM. PUB. WORKS CHABOT said that it was not the intention of the Board of Works, to recommend any appropriation at present, but the subject would not be disregarded.¹⁵⁸

[QUESTION AND ANSWER RE: AMENDMENTS TO JUDICATURE ACT OF LOWER CANADA TO ABOLISH RIGHT OF APPEAL TO ENGLISH PRIVY COUNCIL.]

MR. C. DAOUST [pose une question].¹⁵⁹

MR. AT. GEN. DRUMMOND répond que le gouvernement s'occupe de la question de savoir s'il conviendrait de modifier nos lois de judicature de manière à rendre finales les décisions des Tribunaux de cette Province, au lieu de réserver le droit d'appel au Conseil Privé de Sa Majesté Britannique, dans les cas pourvus par les lois existantes.

Le bill de judicature que le gouvernement se propose d'introduire durant cette session contiendra probablement quelque disposition à ce sujet; mais il y a sur la voie de cette réforme des obstacles constitutionnels à vaincre, et dans tous les cas, il faudrait réserver les sections dans lesquelles les droits de la couronne se trouveraient intéressés.

Son opinion personnelle était que cet Appel devait être aboli, car il lui paraissait peu convenable de référer de la décision de juges qui ont spécialement étudié les lois de cette Province à celle de jurisconsultes qui peuvent être des hommes éminents, mais qui n'ont pas eu l'occasion de se rendre familiers avec nos lois et nos usages.¹⁶⁰

[QUESTION AND ANSWER RE: REVISION OF PROVINCIAL STATUTES IN ACCORDANCE WITH 1851 STATUTES.]

MR. C. DAOUST [asked] why the Provincial statutes have not been revised in accordance with the resolutions adopted in 1851.¹⁶¹

MR. AT. GEN. DRUMMOND said great difficulties had been met in the attempt to obtain persons to perform this duty. The remuneration which could be paid was limited to £2 a day and it had been found impossible to get men of high standing unless the remuneration were increased. Mr. Wicksteed had been set to work and he alone performed a great deal of the preliminary labor. Negotiations had been entered into with two gentlemen from Upper and two from Lower Canada, about six months after the resolution was passed; but the government must decline to give the names.¹⁶²

[QUESTION AND ANSWER RE: INSPECTION OF REGISTRY OFFICES IN LOWER CANADA]

MR. PREVOST ayant demandé si le gouvernement avait l'intention d'appointer quelques personnes qualifiées pour visiter les bureaux d'enregistrements du Bas-Canada pour s'enquérir et faire l'examen de l'état et condition de tels bureaux respectivement et des registres, livres, index, sommaires, documents et papiers s'y trouvant appartenant à tels bureaux respectivement, et s'assurer si les dispositions de l'ordonnance d'enregistrement et des statuts subséquents y ayant rapport y sont ou n'y sont pas bien suffisamment remplies.¹⁶³

MR. AT. GEN. DRUMMOND répondit que c'était l'intention du gouvernement de prendre des mesures pour rendre plus efficace le système actuel d'enregistrement. Il était certain que les lois actuelles ne fonctionnaient pas d'une manière satisfaisante--que les recherches entraînaient des délais et des frais préjudiciables aux intérêts publics et que le temps était venu d'adopter un remède aux abus qui avaient résulté de l'incertitude des statuts réglant ces matières.

Il ajouta que le projet de loi relatif à la Tenure Seigneuriale contenait des dispositions dont on pourrait se servir avec avantage pour améliorer les lois d'enregistrement, en mettant, au moyen du cadastre des propriétés, les registra-teurs en état de faire des recherches contre les propriétés, et non contre des individus qui peuvent avoir fait de nombreuses transactions.

Le gouvernement était disposé à nommer un ou plusieurs inspecteurs dont les rapports et les conseils rendraient la législation plus facile.¹⁶⁴

[QUESTION AND ANSWER RE: SEIGNORIAL INDEMNITY.]

MR. JOBIN [asked a question].¹⁶⁵

MR. AT. GEN. DRUMMOND said he hoped the commissioners who would be appointed to arrange the seigniorial indemnity, would make cadastres which would serve for the purposes of registration. There were already such cadastres in the Townships of Lower Canada, and perhaps in the towns the numbering of the lots was already sufficiently complete to aid in the purpose. The matter was still under the consideration of the Government.¹⁶⁶

[QUESTION AND ANSWER RE: PAYMENT FOR DOCUMENTS GIVEN TO AN ANTI-SEIGNORIAL CONVENTION.]

MR. JOBIN [pose une question].¹⁶⁷

MR. COM. CR. LANDS MORIN répond que c'est l'intention du gouvernement d'exiger le paiement de vingt-cinq livres, cours actuel, pour copies et papiers fournis par lui à la Convention anti-seigneuriale du District de Montréal. Il a donné pour raison que le gouvernement a payé cette somme pour faire copier les documents en question.¹⁶⁸

[POSTPONED MOTION RE: HAMILTON AND TORONTO RAILWAY.]

MR. CHISHOLM moved for certain Returns relative to the affairs of the Hamilton and Toronto Railroad Company.¹⁶⁹

MR. AT. GEN. J.A. MACDONALD said that it would be improper for the House to ask for the returns.¹⁷⁰ The Railway Consolidation Clauses' Act required railway companies to give certain information to Parliament. That amount it was in the power of the Legislature--not the House of Assembly merely--to increase. Some of the information asked for, in the motion, the company were not legally required to give.¹⁷¹ There was a clause in it which provides that the Legislature may at any time by a new Act alter the provisions in the clause which provides that within fifteen days the Company shall make a return of the amount of expenditure and receipts, &c.; but the House of Assembly could not call for those returns without infringing the Charter of the Company.¹⁷² He asked the mover to postpone his motion till to-morrow, and then perhaps an assurance could be given that all the information that could be demanded would be obtained.¹⁷³

MR. CHISHOLM said the Railway Company were about to apply to the Legislature for an amendment to the Charter, when he would be able to shew before a Committee that these Directors had no right to come before this House, that it was a fraudulent Company, that they had obtained their charter by fraud, and that legally

there were no Directors, and he held that this House had authority to call for information to know who are stockholders¹⁷⁴ and directors.¹⁷⁵

MR. AT. GEN. J.A. MACDONALD (Kingston.)--When the application for amendment to the Charter of the Company came before the Railway Committee the hon. member could secure their action in the matter, who would call upon the Company to establish their claims, but this House could not compel these returns to be given.¹⁷⁶

MR. J.S. MACDONALD (Glengary.)--It was a grave charge to bring against the Company, that they had fraudulently obtained their Charter, and it appeared that the honorable mover was asked for this information in advance of the presentation of the petition by the Company, in order to facilitate its ready production.¹⁷⁷

MR. J. MORRISON.--That was no ground for the honorable gentleman's motion--his (the mover's) only object being, to injure the Railroad Company.¹⁷⁸ The charter of the company was not obtained by fraud; the bill was six weeks passing through the House. Nor was it true that the company had no legal existence.¹⁷⁹ It was properly constituted, five or six of the stockholders lived in¹⁸⁰ England, Ireland and other places¹⁸¹, and upon the road nearly finished¹⁸², it had expended £300,000, and it had not asked a penny from the government.¹⁸³ These charges by the honorable member for Halton were totally unfounded, for he (Mr. Morrison) had been a qualified Director from the beginning, and thought it unfair for the honorable member to charge the Company with having obtained their charter by fraud, asserting likewise that the Company had no existence.¹⁸⁴

MR. CHISHOLM.--The allegation he (Mr. C.) had made, he was ready and willing to prove. It was all very well for Mr. Morrison to say he was a qualified director of this company, but the act required that the directors should be bona fide subscribers and he would like to know if Mr. Morrison was one?¹⁸⁵

MR. J. MORRISON said he was.¹⁸⁶

MR. CHISHOLM, doubted the fact.¹⁸⁷

MR. J.A. MACDONALD (Kingston) wished the motion to stand over¹⁸⁸.

MR. CHISHOLM consented.¹⁸⁹

[MOTION RE: PRAYER IN PARLIAMENT UNTIL THE SETTLEMENT OF THE CLERGY RESERVES.]

MR. LARWILL moved for the appointment of a Chaplain to this House, in order that the business of each day, from the introduction of the Bill to adjust the Clergy Reserves question, until its final adjustment, be preceded by prayer.¹⁹⁰

No seconder being found, the motion fell to the ground.¹⁹¹

FOOTNOTES: 18 OCTOBER 1854.

1. MORNING CHRONICLE, 19 October 1854.
2. TORONTO LEADER, 25 October 1854.
3. IBID.
4. IBID.
5. IBID.
6. MORNING CHRONICLE, 21 October 1854.
7. NORTH AMERICAN WEEKLY, 1 November 1854. WESTERN PLANET, 25 October 1854, comments: "Mr. Brown ... spoke against the bill; but in a tone of voice and earnestness only to be accounted for by his position as ... leader with J.S. McDonald, who being a Catholic, found himself with a queer bed fellow." WESTERN PLANET, 25 October 1854, also states that "a very exciting discussion took place on the bill to incorporate Monnoir College"; however, the speakers and the remarks noted indicate that Masson College was the subject of discussion.
8. LE PAYS, 24 October 1854.
9. NORTH AMERICAN WEEKLY, 1 November 1854.
10. LE PAYS, 24 October 1854.
11. GLOBE, 26 October 1854.
12. NORTH AMERICAN WEEKLY, 1 November 1854.
13. IBID.
14. MORNING CHRONICLE, 21 October 1854.
15. NORTH AMERICAN WEEKLY, 1 November 1854.
16. MORNING CHRONICLE, 21 October 1854.
17. NORTH AMERICAN WEEKLY, 1 November 1854.
18. MORNING CHRONICLE, 21 October 1854.
19. LE PAYS, 24 October 1854.
20. NORTH AMERICAN WEEKLY, 1 November 1854.
21. LE PAYS, 24 October 1854.
22. TORONTO LEADER, 25 October 1854.
23. MORNING CHRONICLE, 21 October 1854.
24. TORONTO LEADER, 25 October 1854.
25. MORNING CHRONICLE, 21 October 1854.
26. TORONTO LEADER, 25 October 1854.
27. MORNING CHRONICLE, 21 October 1854.
28. TORONTO LEADER, 25 October 1854.
29. NORTH AMERICAN WEEKLY, 1 November 1854.
30. TORONTO LEADER, 25 October 1854.
31. IBID.
32. IBID.
33. IBID.
34. NORTH AMERICAN WEEKLY, 1 November 1854.
35. MORNING CHRONICLE, 21 October 1854.
36. NORTH AMERICAN WEEKLY, 1 November 1854.
37. MORNING CHRONICLE, 21 October 1854.
38. NORTH AMERICAN WEEKLY, 1 November 1854.
39. TORONTO LEADER, 25 October 1854.
40. MORNING CHRONICLE, 21 October 1854.
41. NORTH AMERICAN WEEKLY, 1 November 1854.
42. NORTH AMERICAN WEEKLY, 1 November 1854. WESTERN PLANET, 25 October 1854, comments: "Mr. Hincks ... walked into both hon. gentlemen [Messrs. Brown and J.S. Macdonald] with a vehemence of language that seemed to dumfounder the whole party."
43. LE PAYS, 24 October 1854.

44. NORTH AMERICAN WEEKLY, 1 November 1854.
45. IBID.
46. IBID.
47. MORNING CHRONICLE, 21 October 1854.
48. NORTH AMERICAN WEEKLY, 1 November 1854.
49. IBID.
50. IBID.
51. MORNING CHRONICLE, 21 October 1854.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. TORONTO LEADER, 25 October 1854.
57. NORTH AMERICAN WEEKLY, 1 November 1854.
58. MORNING CHRONICLE, 21 October 1854.
59. NORTH AMERICAN WEEKLY, 1 November 1854.
60. TORONTO LEADER, 25 October 1854.
61. MORNING CHRONICLE, 21 October 1854.
62. TORONTO LEADER, 25 October 1854.
63. MORNING CHRONICLE, 21 October 1854.
64. TORONTO LEADER, 25 October 1854.
65. NORTH AMERICAN WEEKLY, 1 November 1854.
66. IBID.
67. IBID.
68. MORNING CHRONICLE, 21 October 1854.
69. NORTH AMERICAN WEEKLY, 1 November 1854.
70. MORNING CHRONICLE, 21 October 1854.
71. IBID.
72. IBID.
73. NORTH AMERICAN WEEKLY, 1 November 1854.
74. MORNING CHRONICLE, 21 October 1854.
75. NORTH AMERICAN WEEKLY, 1 November 1854.
76. IBID.
77. TORONTO LEADER, 25 October 1854.
78. MORNING CHRONICLE, 21 October 1854.
79. NORTH AMERICAN WEEKLY, 1 November 1854.
80. MORNING CHRONICLE, 21 October 1854.
81. IBID.
82. IBID.
83. NORTH AMERICAN WEEKLY, 1 November 1854.
84. MORNING CHRONICLE, 21 October 1854.
85. NORTH AMERICAN WEEKLY, 1 November 1854.
86. LE PAYS, 24 October 1854.
87. MORNING CHRONICLE, 21 October 1854.
88. IBID.
89. TORONTO LEADER, 25 October 1854.
90. NORTH AMERICAN WEEKLY, 1 November 1854.
91. TORONTO LEADER, 25 October 1854.
92. NORTH AMERICAN WEEKLY, 1 November 1854. WESTERN PLANET, 25 October 1854, comments: "Mr. Ferres spoke at some length in a calm dignified and sensible manner."
93. MORNING CHRONICLE, 21 October 1854.
94. NORTH AMERICAN WEEKLY, 1 November 1854.
95. MORNING CHRONICLE, 21 October 1854.
96. NORTH AMERICAN WEEKLY, 1 November 1854.

97. MORNING CHRONICLE, 21 October 1854.
98. NORTH AMERICAN WEEKLY, 1 November 1854.
99. TORONTO LEADER, 25 October 1854.
100. LE PAYS, 24 October 1854.
101. MORNING CHRONICLE, 21 October 1854. TORONTO LEADER, 25 October 1854, states that the revenues drawn from real estate were £9,445 6s 8d per year.
102. TORONTO LEADER, 25 October 1854.
103. MORNING CHRONICLE, 21 October 1854.
104. NORTH AMERICAN WEEKLY, 1 November 1854.
105. TORONTO LEADER, 25 October 1854.
106. LE PAYS, 24 October 1854.
107. IBID.
108. IBID.
109. NORTH AMERICAN WEEKLY, 1 November 1854.
110. MORNING CHRONICLE, 21 October 1854.
111. NORTH AMERICAN WEEKLY, 1 November 1854.
112. MORNING CHRONICLE, 21 October 1854.
113. IBID.
114. NORTH AMERICAN WEEKLY, 1 November 1854.
115. MORNING CHRONICLE, 21 October 1854.
116. TORONTO LEADER, 25 October 1854.
117. NORTH AMERICAN WEEKLY, 1 November 1854.
118. TORONTO LEADER, 25 October 1854.
119. MORNING CHRONICLE, 21 October 1854.
120. IBID.
121. IBID.
122. LE PAYS, 24 October 1854.
123. MORNING CHRONICLE, 21 October 1854.
124. IBID.
125. NORTH AMERICAN WEEKLY, 1 November 1854.
126. LE PAYS, 24 October 1854.
127. NORTH AMERICAN WEEKLY, 1 November 1854.
128. IBID.
129. IBID.
130. LE PAYS, 24 October 1854.
131. MORNING CHRONICLE, 21 October 1854.
132. LE PAYS, 24 October 1854.
133. MORNING CHRONICLE, 21 October 1854.
134. IBID.
135. NORTH AMERICAN WEEKLY, 1 November 1854.
136. MORNING CHRONICLE, 21 October 1854.
137. NORTH AMERICAN WEEKLY, 1 November 1854.
138. IBID.
139. MORNING CHRONICLE, 21 October 1854.
140. LE PAYS, 24 October 1854.
141. TORONTO LEADER, 25 October 1854.
142. LE PAYS, 24 October 1854.
143. TORONTO LEADER, 25 October 1854.
144. MORNING CHRONICLE, 21 October 1854.
145. IBID.
146. TORONTO LEADER, 25 October 1854.
147. LE PAYS, 21 October 1854.
148. IBID.
149. MORNING CHRONICLE, 21 October 1854.
150. TORONTO LEADER, 25 October 1854.

151. MORNING CHRONICLE, 21 October 1854.
152. TORONTO LEADER, 25 October 1854.
153. MORNING CHRONICLE, 21 October 1854.
154. TORONTO LEADER, 25 October 1854.
155. MORNING CHRONICLE, 21 October 1854.
156. WESTERN PLANET, 25 October 1854, notes "the house adjourned at 11 o'clock P.M."
157. MORNING CHRONICLE, 21 October 1854.
158. IBID.
159. LE PAYS, 21 October 1854.
160. LE PAYS, 21 October 1854. LE PAYS also notes "--Si le gouvernement ne donne de garanties que le Bill de judicature promis depuis longtemps par M. Drummond, qui déclare toujours qu'il sera soumis bientôt à la Chambre, M. Daoust se propose d'introduire un Bill pour amender le Bill de judicature de manière à abolir le droit d'Appel en Angleterre. Il y aura peut-être moyen de connaître ainsi quels obstacles constitutionnels s'opposent au désir du peuple de cette Province, quand nous avons le bonheur de vivre sous le gouvernement responsable et que nous conduisons nos propres affaires comme nous l'entendons".
161. TORONTO LEADER, 25 October 1854.
162. IBID.
163. LE PAYS, 21 October 1854, in an account dated 19 October. However MORNING CHRONICLE, 19 October 1854, carries a condensed version of this question and answer dated 18 October.
164. LE PAYS, 21 October 1854.
165. MORNING CHRONICLE, 19 October 1854.
166. IBID.
167. LE PAYS, 21 October 1854.
168. LE PAYS, 21 October 1854. MORNING CHRONICLE, 19 October 1854, attributes the answer to Mr. At. Gen. Drummond.
169. MORNING CHRONICLE, 21 October 1854. TORONTO LEADER, 25 October 1854, reports this debate under the heading "London and Port Stanley Railroad". However both MORNING CHRONICLE, 21 October 1854, and GLOBE, 26 October 1854, report a very similar postponed motion by Mr. Chisholm regarding the Hamilton and Toronto Railway.
170. MORNING CHRONICLE, 21 October 1854.
171. TORONTO LEADER, 25 October 1854.
172. MORNING CHRONICLE, 21 October 1854.
173. TORONTO LEADER, 25 October 1854.
174. MORNING CHRONICLE, 21 October 1854.
175. TORONTO LEADER, 25 October 1854.
176. MORNING CHRONICLE, 21 October 1854.
177. IBID.
178. IBID.
179. TORONTO LEADER, 25 October 1854.
180. MORNING CHRONICLE, 21 October 1854.
181. TORONTO LEADER, 25 October 1854.
182. MORNING CHRONICLE, 21 October 1854.
183. TORONTO LEADER, 25 October 1854.
184. MORNING CHRONICLE, 21 October 1854.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.

190. TORONTO LEADER, 25 October 1854.
191. TORONTO LEADER, 25 October 1854. WESTERN PLANET, 25 October 1854, adds "I have just heard a little bantering between McKenzie and your member [Mr. Larwill] in which the former admitted the propriety of having prayer, and would support the motion if the duty should be performed by the Speaker."

THURSDAY, 19 OCTOBER 1854.

(201)

MR. SPEAKER acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--
Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the fourteenth day of September last past, issued by His Excellency the Governor General, and addressed to the High Sheriff of the United Counties of Wentworth and Halton, (Edward Cartwright Thomas, Esquire,) Returning Officer ex officio for the North Riding of the County of Wentworth, for the election of a Member to represent the said North Riding of the said County of Wentworth in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable Robert Spence who, since his election as the Representative of the said North Riding of the said County of Wentworth, had accepted an Office of profit under the Crown, to wit: the Office of the Post Master General of the said Province of Canada, by means whereof the seat of the said Honorable Robert Spence, as the Representative of the said North Riding of the said County of Wentworth, had become vacant, the Honorable Robert Spence has been returned as duly elected accordingly, as appears by the Return of the said Writ of Election, dated the thirteenth day of October instant, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,
Quebec, 19th October, 1854.

Félix Fortier,
Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

(202)

Mr. Speaker laid before the House, Accounts and Statements of the Grand Trunk Railway Company of Canada, as required by the 5th Sub-section of the 22nd Section of the Act 14 and 15 Vic. cap. 51; and Statement of the Affairs of the Hamilton and Toronto Railway Company to 30th September, 1854, received in pursuance of the Order of this House of the 14th September last.

For the said Accounts and Statements, see Appendix (F.F.)

Also, Statements of the Affairs of the Bank of Montreal, and of the City Bank, to 31st August; and of the Bank of Upper Canada, to 3rd October, 1854, received in pursuance of the Order of this House of the 14th of September last.

For the said Statements, see Appendix (E.E.)

And also, Returns from the Registrars of the Counties of Prescott and Waterloo, received in pursuance of the Order of this House of the 14th September last.
For the said Returns, see Appendix (Z.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Holton,--The Petition of Thomas C. Keefer, of the City of Montreal.

By Mr. Hartman,--The Petition of William V. Southard and others, builders.

By Mr. Patrick,--The Petition of William B. Imrie and others, of the Township of Edwardsburgh.

By Mr. Shaw,--The Petition of the Catholic Institute of Perth.

By Mr. Taché,--The Petition of Hilaire Peltier, Esquire, of the City of St. John's, Province of New Brunswick, merchant; and the Petition of the Reverend G.S. Marceau and others, of the Parish of St. Simon.

By Mr. Ferrie,--The Petition of the Municipality of the Township of Waterloo.

By Mr. Jean Baptiste Eric Dorion,--The Petition of William Mountain, of the

Town of William Henry or Sorel.

By Mr. Crawford,--The Petition of Marindia T. Adams, and others, Wives, Mothers, Daughters and Sisters, of Lyn and its vicinity; the Petition of the Municipal Council of the United Counties of Leeds and Grenville; the Petition of Philinia Smart and others, Wives, Mothers, Daughters and Sisters, of the Town of Brockville; and the Petition of P.E. Adams and others, Stockholders of the Provincial Insurance Company of Toronto.

By the Honorable Mr. Robinson,--The Petition of the Reverend Francis Evans and others, Clergymen of the United Church of England and Ireland of the Diocese of Toronto.

By Mr. Chisholm,--The Petition of the President and Directors of the Upper Canada Mining Company.

By Mr. Guévremont,--The Petition of Louis Mandeville and others, of the Parish of St. Pierre de Sorel, County of Richelieu.

By Mr. Matheson,--The Petition of the Municipality of the Township of East Zorra.

By Mr. Brown,--The Petition of the Regular Baptist Convention of Canada.

By Mr. Roblin,--The Petition of Cephas H. Miller and others, of the Villages of Newburgh, Clark's Mills, and vicinity.

By Mr. Jean Baptiste Daoust,--The Petition of L. Guérin and others.

Pursuant to the Order of the day, the following Petitions were read:--

Of H. Bull, Junior, and others, of the Township of Madoc; and of O. E. Wood and others, of the Township of Madoc; of Robert Harvey and others, of the Township of Huntingdon; of Elias McConnell and others, of the Township of Rawdon; of George Sherry and others, of the Township of Hungerford; and of John Wilson and

(203)

others, of the Township of Hungerford; praying aid for the improvement of Roads and Bridges.

Of George Duck, Junior, and others, the Board of School Trustees of the Town of Chatham; praying for the passing of an Act to authorize the sale of a certain block or parcel of Land in the said Town granted for the benefit of Common Schools, and now nearly unproductive for that purpose.

Of John McLean and others, of the Village of Oakville, County of Halton; of Alanson Maybee and others, of the Township of Hope; of L. L. Hawn and others, of the Township of Hope; of J. S. Smith and others, of the Town of Port Hope; of James Cummings and others, of the Township of Charlottenburgh; of Abigail H. Knowlton and others, Wives, Mothers, Daughters, and Sisters, of the Town of South Crosby; and of Martha Toffy and others, Wives, Mothers, Daughters, and Sisters, of Bastard, and its vicinity; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend P. H. Suzor and others, of the Parish of St. Christophe d'Arthabaska, County of Arthabaska; praying for the establishment of a Registry Office at the said Parish.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company, and have agreed to report the same without any amendment.

Ordered, That the Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. Papin have leave to bring in a Bill to amend the Judicature Acts of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Pamphlet published by the anti-Seigniorial Convention of the District of Montreal, on the subject of the abolition of the Seigniorial Tenure, be printed in the English and French Languages for the use of the Members of this House.

Mr. Galt moved, seconded by Mr. Holton, and the Question being put, That all Motions for printing Petitions or other Documents, for which a special Motion is requisite, shall be submitted to the Committee on Printing before action be taken on the same; the House divided:--And it passed in the Negative.

MR. POULIOT moved the appointment of a Committee of seven members to enquire and report as to the best means of obtaining and publishing a correct and impartial report of the Debates of this House.¹ Their present reports were a mere travestie of the proceedings, and as they were sometimes used by members in the House, it was desirable that they should be full and accurate.²

MR. DEWITT.--If every thing that were said in the House by hon. members were fully reported, strange things would go forth to the public.³ It would not be much to their credit. (Laughter.)⁴

MR. PAPIN.--Advocated the propriety of appointing Reporters by the House, upon the ground that when members knew that they were to be fully reported they would be more careful and measured in what they said.⁵

MR. PRES. EX. COUN. MACNAB.--If the object of hon. members was, to publish a sort of mirror of parliament, in which the views of members upon the great questions should be handed down to posterity, the ministry had no objection to receive suggestions from the House or in Committee upon the subject.⁶

MR. BROWN [made] ... some remarks⁷.

(203)

*Resolved, That a Select Committee of seven Members, composed of Mr. Pouliot, the Honorable Mr. Hincks, Mr. Stevenson, the Honorable Mr. Morin, Mr. Brown, Mr. Papin, and Mr. Langton, be appointed to inquire into and report upon the means of publishing and obtaining a correct and impartial Report of the Debates of this House.*⁸

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council request this House to give leave to William Rhodes,

(204)

Esquire, one of their Members, to attend and give evidence before the Select Committee of the Legislative Council appointed to enquire into the accusations made against the Members of the late Administration.

And then he withdrew.

Resolved, That this House will send an Answer to the said Message, by Messengers of their own.

And the Master in Chancery was called in, and Mr. Speaker acquainted him therewith.

And then he again withdrew.

MR. DUFRESNE propose qu'un comité de sept membres soit nommé pour s'enquérir s'il ne serait pas convenable de passer une loi pour établir une cour de conciliation dans cette province pour toute la province, ou pour l'une ou l'autre des sections, ou pour chacune d'elles séparément.

Il dit qu'après la perte du bill de M. Merritt pour une fin semblable à celle de ce bill, il n'espère pas emporter sa motion, mais c'est son principe de rencontrer toute difficulté en face, et pour cela il persévérera.⁹

MR. COM. PUB. WORKS CHABOT dit que toute cour ... sous ... n'importe ... quel nom, qu'on puisse ajouter aux cours actuelles, augmenterait les recettes des avocats, en augmentant les pièces des procès; que les cours dites de l'équité se sont montrées très souvent des cours d'iniquité, et qu'il est très certain que les cours de conciliation se montreraient des cours de trouble.¹⁰ He was not therefore in favor of the motion.¹¹

MR. PAPIN dit aussi que selon sa propre expérience les plaideurs sont rarement disposés à composer leurs différends. Ceux qui veulent le faire en ont déjà le moyen dans les arbitres, les experts et les compositions à l'amiable, qui sont tous connus à la loi du Bas Canada. Il arrive presque toujours que l'avocat conseille un arrangement amiable avant de commencer un procès dans les cours; mais presque aussi souvent il trouve que le plaideur mangerait toute sa fortune plutôt que de céder le moins du monde à son adversaire.¹²

MR. J. DORION (Drummond et Arthabaska.) La question qui nous est soumise s'est un peu étendue, comme c'est l'habitude depuis l'ouverture de la session. La question est simplement de savoir s'il est à propos de nommer un comité qui sera chargé de faire un rapport sur la praticabilité et l'utilité d'établir des Cours de Conciliation dans le pays.

Pour ma part, je suis en faveur de la proposition du représentant de Montcalm et je crois qu'il est nécessaire d'établir de semblables cours, maintenant que les Cours de Commissaires sont abolies et en voie de l'être partout. Il y a une foule de petites difficultés qui pourraient être réglées avantageusement, d'une manière expéditive et peu dispendieuse. On a bien parlé contre ces cours, ce soir, mais on n'a pas apporté un seul fait pour en prouver l'impraticabilité ou les mauvais résultats. Ceux qui ont parlé en faveur, au contraire, ont cité l'expérience de la France où des milliers de difficultés sont réglées tous les ans par les Cours de Conciliation.

Le représentant de Verchères a cherché à établir une comparaison dans les arbitrages du Bureau de Commerce de Montréal, disant que dans neuf cas sur dix les parties ne s'arrêtent pas à ces arbitrages, mais se présentent ensuite devant les tribunaux du pays. La comparaison n'est pas juste, car il s'agit dans presque tous les cas d'arbitrages auxquels il fait allusion, de la fortune des individus qui ont des difficultés à faire régler par le Bureau de Commerce; mais combien y a-t-il de petites difficultés, dans les campagnes, qui seraient réglées par des Cours de Conciliation et qui faute d'un semblable tribunal entraînent les habitants dans des procès ruineux?

On a aussi parlé des arbitrages que l'on peut obtenir actuellement devant les tribunaux, mais quand viennent ces arbitrages? Lorsqu'il y a eu des frais considérables d'encours, pas avant!

Les Cours de Conciliation remédieraient à un grand mal, dans mon opinion, et profitant de l'expérience de la France, nous ferions bien d'en essayer l'établissement. Rien n'empêche les parties qui ont des difficultés de plaider, si elles ne s'accordent pas à l'amiable, mais cela leur donne une occasion de s'entendre et d'éviter des procès dans une foule de cas bien dispendieux. Ces cours seraient d'une grande utilité dans nos campagnes.¹³

MR. BUREAU soutient le bill, Quoiqu'on en dise, les Cours de Conciliation en France et dans les Etats-Unis, fonctionnent d'une manière très satisfaisante, et on peut les essayer en Canada avec l'espérance de résultats tout aussi bons. Il désire les cours d'arbitration en Canada pour évaluer les terres prises par les chemins de fer.¹⁴

MR. DUFRESNE spoke, first in French and then in English, in support of his motion.¹⁵ L'autre soir le Procureur-général (ouest) a dit que la loi du Haut-Canada est si bonne que si des personnes voulaient arranger leurs affaires par la voie d'arbitration, elles pourrai[en]t toujours le faire, et il a cité l'exemple de quelqu'un qui s'était servi de ce moyen à si bon effet, qu'un procès pour un montant de £30 lui coûta £500. Mais est-ce là ce qu'il (M. Dufresne) demande? Non: il demande un système de conciliation qui empêche de tel[s] abus, et c'est parce que le bill du membre pour Lincoln a échoué l'autre soir qu'il fait la proposition maintenant devant la Chambre. Mais on lui dit qu'il aurait mieux fait s'il avait introduit un bill tout préparé. Cela lui rappelle la fable du loup et de l'agneau; car l'autre soir on ne voulait pas de bill, mais on disait que le membre pour Lincoln aurait dû demander un comité.

On dit qu'on n'a pas besoin de ces cours dans le Bas-Canada. Il doit contester cette opinion. Peut-être il n'y en a pas autant de besoin dans le district de Québec que dans la partie supérieure du Bas-Canada; mais la question a été longtemps discutée dans le voisinage où il demeure, et cette discussion s'est élevée par suite de certains procès qu'on aurait pu éviter par l'intervention de quelque gentilhomme qui aurait pu faire comparaître les parties devant lui, et leur aurait expliqué leurs droits. Il y a eu un cas où une botte de foin coûta \$500, et un autre où quelques gallons de cidre coûtèrent £25.

Quant à l'arbitration telle que pourvue par la loi actuelle, elle est trop coûteuse pour que l'on s'en serve. Pour le faire, il faut qu'il y ait des avocats, des notaires, etc., qui doivent tous être payés, et ensuite il arrive presque toujours que la décision des arbitres est amenée devant une cour et renversée par les juges. Les cours de conciliation ont bien réussi dans les autres pays, et il ne voit guère pourquoi elles ne réussiraient pas en Canada.¹⁶

MR. COM. CR. LANDS MORIN said this proposal was more objectionable than the one just disposed of; as the former left the existing tribunals as they are, while the latter proposed to add a new court, and one which he did not think would tend to improve the administration of justice.¹⁷

MR. AT. GEN. DRUMMOND said that these Courts had been tried in France and Norway, and that their success had been very problematical. The new code of the State of New York authorized the establishment of these Courts, but they had not taken advantage of them to any extent. Lord Brougham had formerly advocated Conciliation Courts; but there was reason to believe that he had now changed his opinion. As soon as the municipal bill was passed, the government intended to introduce a bill to reorganize the judicial system; and if the hon. gentleman would then come forward with some proposal, it would be a far more seasonable time to move in the matter. The same remark applied to the subject of arbitration. The whole judicial system should be considered together.¹⁸

MR. MACKENZIE denied that Lord Brougham had changed his opinion on the subject of Conciliation Courts. These courts had been tried with success in France, Norway and other countries.¹⁹ In Jamaica they had been tried, and worked well. People were harrassed enough these times by the force of circumstances, without worrying each other, and lawyers who affected to simplify the Law, were those persons who increased the misery of the people.²⁰ The lawyers were opposed to

these courts from motives of self-interest.²¹ The moment it was proposed to give the Clergy Reserves to education or anything else, although Lower Canada was a great distance away, they had the whole nine bishops immediately instructing the honorable Commissioner of Crown Lands, and perhaps this had something to do with that honorable gentleman's losing his election for Terrebonne.²² Conciliation Courts should at all events be tried. The state of New York had in every way put out of existence those abuses which tended to harrass and oppress their people. The examiners and masters in chancery were turned off and the Court itself abolished. All our law Bills were sham, and it was unfair for those persons who got their living by the law, to vote against the appointment of Committees, which would benefit the people by framing so desirable a measure at the present.

(Mr. M. then attacked various members of the administration, and especially Mr. Sol. General Smith and lawyers.)²³

MR. SOL. GEN. H. SMITH said that the Hon. member for Haldimand must recollect that while he (Mr. M.) had been in this House, that some of the gentlemen whose profession he (Mr. M.) so abused, had made the House too hot to hold him, and if he did not look out that would happen very shortly again.²⁴ What has the Secularization of the Reserves and the nine bishops to do with these Conciliation Courts?²⁵

MR. MACKENZIE replied with Ah! Ah! (hear! hear!)²⁶ He was simply drawing an analogy. In the same way as the clergy got up in arms at any proposal that was to take away the grist from their mill, so it was with the lawyers.²⁷

MR. SOL. GEN. H. SMITH ... said there were no petitions for these courts; and as there was on the order of the day for this day, the second reading of a bill on the same subject; and as the whole discussion would come on again upon it, it was useless to waste the time of the House now. He hoped the mover would withdraw his motion.²⁸

MR. AT. GEN. DRUMMOND read a long extract in French from Michelet, showing that these courts had failed in France.²⁹ [He] spoke against the principle of forced arbitration.³⁰

MR. A. DORION, of Montreal, spoke in favor of the principle of conciliation courts.³¹

MR. CARTIER opposed the proposal before the House on the ground that it aimed to establish another description of court, of a more objectionable nature than those which already exist.³²

MR. PAPIN spoke against the motion³³.

MR. J. DORION (Drummond) thought that the proposed Committee should be appointed.³⁴

MR. JOBIN appui[e] la motion qui est alors emportée.³⁵

MR. DUFRESNE replied to the debate, contending that it had been proved that conciliation courts had worked well elsewhere and that there could be no harm in making a trial of them here.³⁶

(204)

Resolved, That a Select Committee of seven Members, composed of Mr. Dufresne, the Honorable Mr. Merritt, Mr. Mackenzie, Mr. Charles Daoust, Mr. Sidney Smith, and Mr. Foley, be appointed to inquire whether it would not be proper to pass a Law for the establishment of Courts of Conciliation in this Province, for the whole Province, or for either of the Sections thereof, or for each one separately.

Ordered, That Mr. Larwill have leave to bring in a Bill to attach certain Lands in the Gore of Camden, to the Township of Dawn.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the ninth day of November next.

Ordered, That Mr. Church have leave to bring in a Bill to provide for the registration of Births, Marriages, and Burials in Upper Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Labelle have leave to bring in a Bill to amend the Act of last Session to extend the provisions of an Act empowering certain Municipal Councils to take Shares in certain Railroad Companies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Chisholm have leave to bring in a Bill to incorporate the Oakville and Arthur Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MACKENZIE then moved a resolution "that the present mode of carrying into effect the Laws, Rules, or usages under which Justices of the Peace are selected and appointed in Upper Canada by the Executive Government, affords in some Counties just ground for dissatisfaction and complaint." The hon. member said he would not go into the question whether Justices of the Peace should be elected by the people. But he insisted that this, one of the most important bodies in the country, should be fairly and properly chosen. Instead of this the issuing of Commissions of the Peace was always ruled by partisan considerations, and to influence elections. In his own county, although he had urged the matter in every way he could, he had been unable to get magistrates appointed, simply on account of his opposition to the late and present Governments.³⁷ After his election, when he was opposed by Messrs. Brown, Case and McKinnon, a batch of magistrates were appointed and they consisted entirely of parties who had voted against him with but one exception.³⁸ He had applied again and again, but being a political opponent to the party in power, his whole constituency was to suffer. In other parts of the country it was the game (sic), and in many worse. They struck gentlemen off the commission for a similar cause, and afterwards, appointed in their stead, men who could neither read nor write, merely because they were political partnzas (sic). Yes, they had even appointed dead men, was this fair? was it wise or discreet? yet the principle was extended to every species of patronage under the crown.³⁹ In Cayuga, the county town of Haldimand, there was not a single magistrate, and in the township of Canboro the case was just the same.⁴⁰ If the government had not confidence in a member who represented a county, that was no reason why the people should be left without magistrates.⁴¹ Pour appuyer sa proposition, il affirme que les magistrats ne sont nommés, sous le système actuel, que pour servir aux fins politiques du ministère, et il lit une lettre, que l'hon. John Ross, l'ex-Procureur-général (ouest), adressait il y a quelques mois au membre pour Hasting[s] (M. Flint), qui l'a publiée depuis, dans laquelle il est dit que le Procureur-général a reçu la recommandation de M. Flint d'une certaine personne pour être mise sur la commission de la paix; et qu'il (le Procureur-général) a attendu jusqu'à ce qu'il ait pu voir comment

cette personne voterait avant de la nommer magistrat; mais qu'immédiatement après qu'il se fut assuré que cette personne avait voté pour M. Flint, il a fait émaner une commission.⁴² There was not a liberal magistrate in Upper Canada previous to 1837. Mr. Baldwin however got a list of the Tory magistrates, and put in as many others as counterbalanced the action of the former to some extent, and brought about a little peace. He (Mr. M) individually had so much respect for such officers that if he could not be elected without their patronage, he despised it. He, the humble individual now addressing the House, had the honor of being the first elected magistrate of Toronto.⁴³ Il rappelle aux membres du Bas-Canada la manière dont on destituait les magistrats Canadiens en 1837, et que le peuple était alors obligé d'en élire lui-même. On ne l'a pas fait jusqu'ici dans son comté, mais si on persévère dans le système actuel, certainement on demandera un changement vers un système électif.

Quand le gouvernement nomme des magistrats, il le fait sans aucune connaissance de leurs qualifications, car il paraît d'une lettre publiée par M. Malloch qu'on a nommé dans son comté, une personne qui demeure dans l'Etat de Michigan, une autre qui demeure dans le comté de Tipperary en Irlands (sic), et une vingtaine qui résident tous ensemble dans la ville de Bytown.⁴⁴

MR. PRES. EX. COUN. MACNAB said that there had been no recommendations to appoint magistrates in the County of Haldimand since the government came in; and therefore the hon. member should have directed his remarks against the late government, who would doubtless be ready with their answer. The hon. gentleman had stated that he had sent a list of names to the government to appoint magistrates; and they had no doubt taken a great deal of time to enquire about them.⁴⁵ He had no doubt that the late administration had carefully considered the list published by the hon. member for Haldimand, but he put it to the House⁴⁶ if they would feel inclined to accept the suggestions of the hon. member for Haldimand, as to the members who should form this Committee, or if hon. members would like to appoint such a Bench of Magistrates as the hon. member might choose to select? It would be absurd.⁴⁷ He inferred from the statement of the hon. member, that there was a scarcity of magistrates in Haldimand, but no application on the subject had yet been made to the present Government. When that application was made, a sufficient number would be supplied.⁴⁸ He (Sir Allan) had no doubt, that there must be a scarcity of Magistrates in Upper Canada, but that fact did not warrant the views taken by the hon. member for H. The hon. and gallant knight repelled the attacks made in an earlier part of the evening by Mr. Mackenzie on himself and others⁴⁹. He was not surprised to hear the hon. member for Haldimand bringing charges of partisanship and partiality in regard to the appointment of Justices of the peace, no one else complained but the hon. gentleman. That hon. member was continually assailing every one else, and talked as if he were the only honest man in the House, and all others knaves.⁵⁰ He felt that the House would not accede to the hon. member for H's suggestions on these Conciliation Courts in his (Sir Allan's) county: he had not had a Magistrate there for the last seven years. He (Sir A.) therefore had not effected the appointment of any through any patronage or power that he possessed.⁵¹

MR. BROWN was astonished that the hon. and gallant knight should speak as if complaints in regard to appointments to the magistracy only proceeded from the member for Haldimand. During the ten or eleven years that he (Mr. Brown) had attended the parliamentary proceedings, not a session had gone past without members getting up and denouncing the system of appointing Justices of the Peace; and over and over again he had heard it charged against the Government, that men were appointed who could not even write their own names. (Hear, hear.) Whether

the hon. member for Haldimand had pursued the proper course, in bringing this motion before the House, he was not prepared to say; but of this he was quite sure, that the hon. member was doing good service to the country in bringing this matter up at the commencement of a new Parliament, and when a new administration had just gone into office; as it was in the highest degree desirable that some change should be made. If the system was not soon improved, the result would be that they would have elective magistrates without loss of time. (Hear, hear.) In the county which he (Mr. Brown) had the honor to represent the whole object of the Government had been to make political capital out of the appointment of magistrates.⁵²

MR. MACKENZIE--And in every other county.⁵³

A Voice.--It is a job all over!⁵⁴

MR. BROWN [continued:] Yes; I dare say the same thing has been elsewhere--it is a job all over. (Hear, hear.)⁵⁵ [He] had tried to defend the present system of appointing magistrates as long as possible, but he had come to the conclusion that some improvement must be made.⁵⁶ In the great majority of cases, in the appointment of magistrates throughout the country, the only thing looked to was, the best mode of extracting from it political influences. A palpable evidence of it had that moment been put in his hand. The Government had just appointed a long list of commissioners for the Paris Exhibition of 1855, and if there ever was a commission, in the filling up of which politics should be forgotten, surely it was this. But what did he find? Why, that in that list there were only some six members of the opposition, to about fifty supporters of the Government. (Hear, hear.) In Lambton, as was known to the members of the House, he (Mr. Brown) was opposed at the last election by a member of the Government. In the previous election of 1851, that hon. gentleman induced one of his (Mr. Brown's) requisitionists to go over to Mr. Rankin by the promise of an office--the census commissionership--and he did his work, and other similar work, so satisfactorily, that he first got the commissionership, and after, the registrarship of the county, in payment of his services. Mr. Cameron supposed that it would strengthen the hands of the Government to issue a new Commission of the Peace, so he wrote a letter to the party he had alluded to for the names of "reliables," and that individual went round the country showing the letter to a number of individuals, with the view of having them understand how they might rise to the eminence of J.P. if they placed themselves in favorable relations to the Hon. Malcolm Cameron. The men of Lambton were not to be influenced by such a temptation; but it was undoubtedly true that a commission for the county was issued last fall under the auspices he had mentioned, and utterly unknown to him (Mr. B.) as member for the county. (Hear, hear.) But that was not all. Just after the short meeting of Parliament in June--after the defeat of Government--an hon. member said to him (Mr. B.) "I would advise you to look after your county. They are about to issue a commission in order to defeat your election." He went accordingly to the Secretary's Office, and found that, after the House of Assembly had declared that they had no confidence in the ministry, that ministry had created a whole batch of new Justices of the Peace for the county of Kent in order to aid his (Mr. Brown's) defeat, and the return of the late Postmaster General. There cannot be a doubt that the effect of this movement was felt on the elections of both Kent and Lambton. Did the hon. and gallant knight, the member for Hamilton, think that that was a right exercise of the prerogative of the crown? (Hear, hear.) Did not the hon. gentleman know that for years this had been the system pursued? And the same system had been carried out in other departments.⁵⁷ In the township of Brooke, one postmaster, Mr. McGregor,⁵⁸ who

was written to and refused to give his support to Mr. Malcolm Cameron, was ousted from the Post Office which he held, and Mr. Cameron went round offering it to some five or six individuals in the very heat of the election contest, and for a very obvious purpose. And when the election was over, one of the aspirants was appointed, who, if he could read, at all events could not write his own name. (Loud cries of "hear, hear.")⁵⁹

MR. AT. GEN. DRUMMOND.--I deny those statements⁶⁰ until ... [they are] supported by some better evidence than the mere assertion of the hon. gentleman.⁶¹ I value too highly the character of my friend, the late Postmaster General, to allow them to be passed over in silence, and I call upon the hon. member to give me now the names of the parties to whom he has referred, as being offered a post-office on condition of supporting Mr. Cameron.⁶²

MR. BROWN.--If the Hon. Attorney General desires it, I can give him, on very short notice, the names of four persons who, while the election was going on, were severally offered the Postmastership of the township of Brooke.⁶³

MR. AT. GEN. DRUMMOND (with his pen in his hand),--I consider it due to the character of the late Postmaster General to demand that these names shall be stated now.⁶⁴

MR. BROWN.--He will get the names soon enough. I cannot at this moment, on mere recollection, and not expecting that this matter would have come up, mention them all, but if the hon. gentleman will go to his own bureau or to that of the Provincial Secretary, I have no doubt he will find the complaint of Mr. McGregor, the postmaster who was turned out of the post-office of Brooke, in order that room might be found for these parties.⁶⁵

MR. AT. GEN. DRUMMOND.--I cannot submit to hear the character of a gentleman, for whom I entertain the highest respect, assailed in this matter, and I demand of the hon. member the names of these six or these four.⁶⁶

MR. HINCKS.--The hon. member has mentioned the name of the postmaster who was turned out. I recollect seeing the case in the newspapers, but on enquiring into it, I found that every allegation was utterly false.⁶⁷

Hear, hear, from the ministerial benches.⁶⁸

MR. BROWN.--The hon. member for Renfrew says the allegations are false. I will take the earliest opportunity of moving for a Committee of enquiry, and will prove them to be true. (Hear, hear.) The Hon. Attorney General will not have long to wait for the names. I will repeat some of them now. The case was this. Mr. McGregor had been postmaster of Brooke for two years, and no complaint, as far as I know, had ever been made of the manner in which he discharged the duties of the office. While the late election was going on, Mr. MacGregor was asked for his support by Mr. Cameron. He told Mr. Cameron that he could not support him, but on the contrary canvassed somewhat for me. The Postmaster General thereupon took it upon himself, while the election was still proceeding, to take away the post-office from Mr. McGregor, and to set up two in place of it, one a little to the north of Mr. McGregor, offered to Mr. Brown, and the other to Mr. Watson, and at least two other persons; one of those two is a miller, east of Mr. Watson, whose name I cannot at this moment recall.⁶⁹

MR. AT. GEN. DRUMMOND--Oh! the charge is narrowed down to four now.⁷⁰ Who was the fourth?⁷¹ The hon. gentleman had at first stated that six persons had been offered the same office, and in two minutes they had dwindled down to four; and the hon. gentleman was only able to name two.⁷²

MR. BROWN said--four or six, the immorality of the thing was the same.⁷³ [He] desired the hon. Attorney General to remember that he was now in Parliament, and not acting as examining counsel within the bar of a law court. The fourth was a gentleman residing near Mr. Watson--Mr. Shirley he thought--and he did not doubt being able hereafter to supply the names of the whole six, who were spoken of as Mr. McGregor's successors.⁷⁴ He further explained that these different persons lived on different side lines, and that after Mr. Cameron found Mr. McGregor would not support him, the rumour that he would be dismissed began to be circulated, and also the hints thrown out to these other persons that they would be appointed. Mr. McGregor was dismissed after the election was over.⁷⁵ But had there been only one named, was it not a most outrageous thing for a member of the Administration to use his influence to secure his own election by depriving one postmaster of his office, and putting another in his place? (Hear, hear.)⁷⁶

MR. AT. GEN. DRUMMOND--This is not a Government question at all. It is a matter affecting the character of a friend for whom I entertain the highest regard. My only object in calling for proof is to vindicate, not the Government, but the character of my friend.⁷⁷

MR. BROWN said the hon. Attorney General well knew that it was not merely the character of a friend that was at stake, but that it was his own character, and the character of every member of the administration. (Hear, hear.) It would not do for the hon. Attorney General or any other member of the government to hide himself under the cloak of a gentleman not now a member of this house. The whole case had been laid before the public, and the party turned out of office had been before the administration asking for justice, and yet the Attorney General stood up and declared that all he was concerned about was the honour of his friend! (Hear, hear.) There was another case which had also been brought before the public. Shortly before the election it was desired to have a Post Office at Wardsville, in the Township of Mesa, at a short distance from a station on the Great Western railway. The Post Master General having written to the place to find out who would be the proper party to make Post Master, and the name of a merchant, approved of by the inhabitants, was given, who accordingly received the appointment, and was told to send his securities. He did so, and built a Post Office himself. While the election was going on, one of Mr. Cameron's friends came and asked him whom he was going to support. He said, Mr. Brown. Mr. C.'s friend told him he had better think the matter over, or he might lose his Post Office, to which he replied that he would vote as he thought right, though he should lose fifty Post Offices. Mr. C.'s friend then went to another merchant in the village, and told him that if he would give his support to the government, the appointment would be taken away from the other party and given to him. He received the appointment with instructions to open the office under the name of "Triumph," in anticipation of the victory which the late Postmaster General was to obtain in the County of Lambton. (Hear, hear, and laughter.) He had thus shown what had taken place in his own county, and he believed there was not a member of this house, who, at the late election, was in declared opposition to the government, but could tell something of the same kind about the appointment of Justices of the Peace, Coroners, &c. (Hear, hear.) To a certain extent he admitted that party appointments were the natural results of party government, but if the present system was to be retained, the prerogative of the crown should be exercised with great care. (Hear, hear.) The doings he had mentioned in his county had had the effect of bringing the system into utter disgrace and contempt, so that from one end of the county to the other, a cry had been raised in favour of elective magistrates, and elective Postmasters. Person-

ally he had always been opposed to the election of such officers, but he must say that his views on that subject had been very much shaken by the proceedings which he had described.--(Hear, hear.)⁷⁸

MR. HINCKS said that the specific charges which had been brought by the hon. members for Lambton and Haldimand had nothing to do with the motion under consideration.⁷⁹ The question was whether the present plan of appointment was preferable to that of election.⁸⁰ They had not taken up the position that the system was bad in itself, but had brought charges against the late administration for the manner in which they had carried out that system. All such charges, he conceived, should be brought forward separately, and substantiated, if it was possible to do so.⁸¹ He knew nothing about the commission said to have been issued in Lambton before the late election. The member for Lambton had declared that the same post-office had been offered by Mr. Cameron to six persons; and had been able to name only two and a miller. Now, he would ask the hon. gentleman if it was the same post-office that had been offered to Mr. Brown and Mr. Watson; or, whether it was not in fact two separate post offices that were offered to these two men?⁸²

MR. BROWN did not know that.⁸³ [He] called him [Mr. Hincks] to order, and said such a mode of attack was improper⁸⁴. He had already intimated that he intended to move the appointment of a committee, before whom he was prepared to substantiate all the charges he had advanced.⁸⁵

MR. HINCKS.--Then it amounted to this, that the hon. gentleman had declared that one office had been offered to six persons; and when challenged to name them, he mentioned two, and it turned out that they were offered two different offices.⁸⁶ He had no doubt that the case with regard to the Brooke office was one as to which he had a distinct recollection of making particular enquiries. He had seen in the Globe and other newspapers very serious charges about the atrocious conduct of the Post Master General in that matter. He accordingly spoke to Mr. Cameron on the subject, and that gentleman gave him the clearest explanation that the whole charges was utterly false.⁸⁷ If he was not mistaken--he spoke wholly from memory--this [Mr. McGregor] must be the person who had been guilty of fraud.⁸⁸ His strong impression of the circumstances was that this Mr. McGregor had been appointed at a public meeting to represent the desire of the inhabitants to have another Post office, and that by a piece of fraud he succeeded in getting himself appointed.⁸⁹

MR. BROWN said he would hold the honourable member for Renfrew to that statement, and by having his name put upon the committee, would give him an opportunity of proving that Mr. McGregor committed a fraud on the public. Mr. McGregor was a most respectable person and he believed utterly incapable of acting improper.⁹⁰ Mr. McGregor had been appointed by fraud, how came it that the Government of the hon. member had allowed him to retain his office for a couple of years? was that the position in which the hon. member wished to place himself? He should call upon him to prove his charge.⁹¹

MR. HINCKS said he had the authority of the late Post Master General for making the statement. Seeing all those charges in the newspapers, he had been anxious to know whether they were correct or not. If true, he felt that they would be most discreditable to the government, but Mr. Cameron satisfied him that the charges were entirely without foundation. But, as they were still repeated, he should be very glad to see a full examination into the circumstances. In regard to the motion now before the House, Government were of course responsible for making improper appointments, and if they actually made such, the

proper course for members cognizant of a grievance of that sort was to bring forward specific accusations against the parties appointed, or, if the complaint was, that notwithstanding strong representations from the particular locality, the government had neglected to appoint a sufficient number of magistrates, let a specific complaint to that effect be laid before the House.⁹² For his own part he had never interfered in the appointment of magistrates, and even in his own county they were appointed while he was absent in England, but he might have left some recommendations on the subject. In making such appointments the Government were bound to obtain the best advice they could. He approved of the principle of the power of appointment resting with the Crown, as in that the best protection for the minority was to be found; and hon. members who now complained of partisan magistrates being appointed, could not find that they could get other than partisan magistrates, if they were elected.⁹³ As to the complaints about the county of Haldimand, a Commission of the Peace had been issued in 1851, which was recommended by the hon. member for Lambton, who at that time enjoyed a large share of the confidence of the government. It was not so very long since that commission was issued, that complaints should be made regarding the non-creation of magistrates at a subsequent date. The member for Lambton had brought charges regarding the appointment of magistrates in his county, and if he proved them, he (Mr. H.) admitted that it would be damaging to the government that made them; but would there be no evils in the plan of electing magistrates; would they never be chosen for their partisanship?⁹⁴ In reference to the appointment of Magistrates for the county of Haldimand, he stated that the advice of the hon. member for Kent had been principally taken, he being then in the confidence of the Government. Mr. Hincks next complained of the impropriety of reading private letters in the House, and contended there would be an intolerable state of things if a member of the Government could not write a letter to a friend without running the risk of having it published.⁹⁵ He had no doubt that if the hon. member for Haldimand could prove that there was a necessity for new magistrates, the government would see that they were appointed.⁹⁶

MR. FOLEY said he had been given to understand that there was an arrangement entered into between the honourable member for Renfrew (Mr. Hincks) and the present government, or at least the members of it from Upper Canada, either before or since the formation of the new government, to the effect that members of this House should have the patronage of their counties, on the condition that they supported the government, and that if they did not support the government, they should not exercise the patronage.⁹⁷

MR. HINCKS: I stated that the system pursued by the late Government was not to appoint partisan Magistrates, and that they had never allowed the principle that a member was to have the patronage of his own county. With respect to himself he denied that he had ever acted from a motive of vindictiveness in dismissals or appointments as had been imputed to him.⁹⁸

MR. PRES. EX. COUN. MACNAB also denied that any such arrangement had been made.⁹⁹

MR. BROWN denied that he had recommended the Haldimand Commission of 1851. Mr. Thompson had sent a list to the government previous to his death, and on seeing this last (sic) in Mr. Baldwin's office he (Mr. B.) gave his opinion upon it. Some of the parties had voted for him, some for Mr. Case, and some had not voted at all. Nearly all these persons had become friends of the hon. member for Haldimand; and he had no cause to complain.¹⁰⁰ He ridiculed Mr. Hincks'

doctrine with [r]espect to letters published in the newspapers. He said further that if a man wrote an insulting letter to another, writing "private" on the top of it he should not keep it so.¹⁰¹

MR. MURNEY strongly condemned members of the Government for attempting to set up the doctrine that the whole Government was not responsible for the improper and corrupt acts of some of its members, when those acts were matters of public notoriety. In those circumstances it was the duty of the Administration to inquire into those charges which so seriously affected the character of all its members, otherwise they would be equally responsible with the individual member of the Government who had committed the acts that were stamped with public reprobation.¹⁰² Profligate use had been made of the prerogative in the appointment of Magistrates.¹⁰³

MR. J.S. MACDONALD of Glengary, said these complaints of the appointments of Magistrates, had been made for years every Session, and that proved there was something bad in the system. One administration was not better than another to this respect. The patronage of the appointment of Magistrates was a powerful influence in every country, and every Government made use of it when th[e]y found their supporters threatening to desert them. The appointments were generally passed with very little care by the Executive Council.¹⁰⁴ He would, however, hesitate before he would change the present system for appointment by election. The appointments should be made on the responsibility of the recommendation of persons representing the counties. He could well understand that the hon. member for Renfrew took no part in magisterial appointments except those which related to his own county. The practice was, when a list of names was sent in of persons to be appointed magistrates, to hand it over to the Attorney General who institutes inquiries to find out what is their nativity and their creed, in order to justify the appointments.¹⁰⁵ The list was then laid before the Council and passed as a matter of course.¹⁰⁶ Any administration, he admitted, must give their supporters these offices, or their supporters would leave them. It was this system that rendered responsible government a corrupt system.¹⁰⁷ The late Administration were not the first Government chargeable with an improper exercise of the prerogative of the Crown in the appointment of Magistrates, but it would be difficult to find a parrellel (sic) to the issuing of the Commission in June last, in order to influence the election for Lambton; by a Government which had lost the confidence and been condemned by a vote of the House. (Hear, hear.) Other members, he believed, could substantiate similar charges to those which had been advanced in the course of the discussion. (Hear, hear).¹⁰⁸

MR. HINCKS said he had never heard of it [the Commission].¹⁰⁹

MR. J.S. MACDONALD. Well, that just shows the recklessness of the system. He went on to contend that Mr. Brown had good reason to feel sore at the whole-sale appointments that he had described. He thought that this discussion would do good in the country and induce more care in appointments. He trusted the hon. member would withdraw his motion. Some of the evils complained of would exist as long as responsible Government would.¹¹⁰

MR. HINCKS said there was not a member on the floor of the House who had had more patronage in his county than the hon. member for Glengary.¹¹¹

MR. J.S. MACDONALD had had no patronage but that of the Register (sic).¹¹²

MR. HINCKS--The Sheriff.¹¹³

MR. J.S. MACDONALD--The Sheriff is in the county of Stormont.¹¹⁴

MR. HINCKS--It was the United Counties of Stormont and Glengary.¹¹⁵

MR. SOL. GEN. H. SMITH was sorry to hear the hon. member for Glengary say that the system of Responsible government led to corruption.¹¹⁶ [He] had frequently complained of bad appointments of Magistrates, but he had never objected to the power of appointment resting with the Crown.¹¹⁷ The best magistrates were not appointed by the Crown; they were the Reeves and Deputy Reeves who were elected by the people.¹¹⁸

MR. MERRITT emphatically--Hear, hear!¹¹⁹

MR. SOL. GEN. H. SMITH went on to say that while he stated that fact he was opposed to the principle of electing magistrates.¹²⁰ But although the experiment made proved that the appointment of magistrates by election had worked well, he did not think that all magistrates ought to be elective. He held the rule that fitness for the office should be the guide in all such appointments.¹²¹

MR. MERRITT said the members for Lambton and Glengary had denied all their own arguments; they had first gone to work to show that the system was wrong, and then declared that they were ... opposed to the elective principle. He was prepared to recommend a better system--the system of election.¹²² [He] said the Solicitor General had given one of the best reasons for it. How could a Government at Quebec judge of the qualifications of a man at Sarnia 500 miles off? The country would come round to the principle in time.¹²³

MR. ROBLIN said the member for Glengary who had found fault with the magistrates of Lennox and Addington, was himself Solicitor General when the commission was issued, and took a very active part in getting it up.¹²⁴

MR. J.S. MACDONALD never saw it.¹²⁵

MR. ROBLIN said when he heard the magistrates of his county referred to in a slighting way, he could not help rising to defend them; and he was prepared to say that in point of wealth and intelligence they would compare with those of any county in the Province. Sir Francis Bond Head struck Peter Perry from the Commission of the Peace; and at that time there was only one reform magistrate in his county.¹²⁶

MR. SCATCHERD said when "rougues (sic) fall out, honest men get their rights." That was proved by exposures that evening. He agreed with Mr. Merritt, and was in favor of elective magistrates. After Mr. Macdonald's declaration that evening, that the system was bad, while he desired Mr. Mackenzie to withdraw his motion, he (Mr. S.) would no more acknowledge him as leader.¹²⁷

MR. FOLEY, as a supporter of party government, said he found no fault with the principle of the late government of appointing to offices of honor and emoluments none but their own supporters.¹²⁸

MR. HINCKS said the hon. member was giving the late government credit for a principle they never professed. Their plan was to select the best names from all parties.¹²⁹

MR. FOLEY then went on for the space of three quarters of an hour to condemn the Commission just issued to make preparations to represent Canada at the Exhibition in Paris, in 1855.¹³⁰ It did not reflect truly the industry of the inhabitants of this country, and the first public act of the present Administration was to degrade the very class for whose benefit the Exhibition was to be held. (Hear, hear.) Where were the names of the men in this Province

who had made themselves prominent for the agricultural or mechanical results they had obtained? Where, for instance, was the name of the man who gained so great an honour for this country as to have carried off the prize of the world for wheat at the World's Exhibition in London? (Hear, hear).¹³¹ D'ailleurs il semble qu'on ait voulu dégradé (sic) les agriculteurs et les artisans sur cette nomination. Sur 41 noms, il n'y a pas moins de 25 avocats, 3 médecins, 3 commerçants, 3 rédacteurs, et 5 entrepreneurs et spéculateurs dans les chemins de fer. Il n'y a que deux cultivateurs (sic) et aucun représentant des arts mécaniques.¹³² [He] then proceeded to object ... to the Returning Officers, at the elections just held.¹³³

MR. HINCKS showed that two of the persons objected to were ex-officio Returning Officers.¹³⁴

MR. BOWES complained that Toronto was not fairly represented in the Provincial Committee.¹³⁵

MR. HINCKS rose to order. He asked what the Commission had to do with magistrates?¹³⁶

MR. SICOTTE the SPEAKER, as the reporter understood, said the discussion on that point was irrelevant.¹³⁷

MR. S. SMITH of Northumberland, advocated the plan of making the whole of the Municipal Councillors ex officio Justices, but allowing the prerogative of the Crown still to be exercised in the appointment of other Magistrates.¹³⁸

MR. DEWITT spoke in favour of the elective principle being applied to the appointment of magistrates.¹³⁹

MR. MCKERLIE was not in favour of the elective principle in the department of Criminal justice. He would not like to be tried for his life, or for a crime of any sort, by a man whose election he had at some previous period strongly opposed.¹⁴⁰

MR. S. SMITH of Northumberland--Is this motion intended as a censure on the late or on the present government for the manner in which they have exercised the prerogative of the Crown in the appointment of Justices? If so, I am not prepared to vote for it.¹⁴¹

MR. MACKENZIE.--The hon. gentleman is at all events a good partizan. (Laughter).¹⁴²

MR. J. DORION (Drummond).--Nous avons entendu les plaintes (sic) du Haut-Canada au sujet de la nomination des magistrats, et elles paraissent assez nombreuses d'après tous les discours prononcés ce soir. Si nous devons entendre les plaintes du Bas-Canada maintenant, nous aurions une longue kyrielle d'abus. Ce n'est pas dans ce but que je me lève, mais je veux attirer l'attention de la Chambre sur un seul fait consigné dans les comptes publics de 1853. On trouvera à la page 111 qu'un M. A.B.C. Guky a reçu £82, étant une balance pour services rendus dans une enquête faite sur la conduite d'un magistrat.--Affaire Watts contre Marier.

Je fais allusion à cette affaire pour démontrer le vice du mode actuel de nommer les magistrats. C'est un abus de patronage. Il n'y a pas moyen de se faire rendre justice lorsqu'un magistrat se rend coupable de mauvaises actions. Si le magistrat est par hasard un des amis du pouvoir, il est impossible de faire faire une enquête. Si le magistrat est un des adversaires du pouvoir, on fait faire une enquête, comme dans le cas que je viens de citer. Un commissaire siège pendant un mois ou deux, et si les accusations sont un peu graves le

magistrat est démis sans qu'il lui soit permis de se défendre. Au contraire, si les accusations ne sont pas prouvées, le tout est étouffé, on ne rend pas compte de l'enquête à l'accusé, et le pays en est quitte pour les frais. Il y a deux ans que l'enquête en question a eu lieu dans mon comté, et à l'heure qu'il est les habitants en sont encore à apprendre le résultat de cette enquête. Rien n'a transpiré. Tout ce que l'en (sic) en sait, c'est que l'enquête a coûté au-dessus de £200.

Si les magistrats étaient élus tous les ans ou tous les deux ans, le peuple pourrait se rendre justice, le choix ne serait plus un moyen d'influence dans les mains du gouvernement et l'on n'aurait pas le spectacle de plaintes universelles, venant de toutes les parties du pays. Des ministres ne perdraient pas un tems précieux à se créer de l'influence dans le pays par ces nominations, et la Chambre n'aurait pas la peine discuter pendant des heures sur ce sujet.

J'aurais préféré que la proposition fut plus claire, plus précise et de suite en faveur du principe électif, mais telle qu'elle est je voterai en sa faveur.¹⁴³

MR. PRES. EX. COUN. MACNAB made some pertinent remarks which closed the debate.¹⁴⁴

(204)

Mr. Mackenzie moved, seconded by Mr. Foley, and the Question being put, That the present mode of carrying into effect the Laws, Rules or Usages under which Justices of the Peace are selected and appointed in Upper Canada by the Executive Government, affords in some Counties just grounds for dissatisfaction and complaint; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Cooke, Daly, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Ferrie, Frazer, Galt, Guévremont, Hartman, Holton, Lumsden, John S. Macdonald, Mackenzie, Marchildon, Papin, Prévost, Scatcherd, and Valois.--(22.)

(205)

NAYS.

Messieurs Aikins, Bell, Bellingham, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Jean B. Daoust, Delong, Dionne, Attorney General Drummond, Dufresne, Ferres, Fortier, Fournier, Freeman, Gould, Hincks, Huot, Jackson, Labelle, Langton, Laporte, Larwill, Lemieux, Macbeth, Sir A.N. MacNab, McCann, Matheson, Mattice, Meagher, Mongenais, Morin, Angus Morrison, Munro, Niles, Poulin, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Stevenson, Taché, Terrill, and Thibaudeau.--(51.)
So it passed in the Negative.

MR. AT. GEN. DRUMMOND moved that the House do now adjourn, the clock pointing to 20 minutes from twelve.¹⁴⁵

MR. GALT opposed the adjournment. They were now in the seventh week of the session and only one Bill had yet been passed. He thought they should resolve invariably to go through with the whole order of the day before adjournment.¹⁴⁶

(205)

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Chabot, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Bellingham, Bourassa, Casault, Cauchon, Cayley, Chabot, Chisholm, Cooke, Daly, Jean B. Daoust, DeWitt, Dionne, Attorney General Drummond, Dufresne, Ferrie, Fortier, Fournier, Frazer, Gould, Guévremont, Hartman, Hincks, Jackson, Larwill, Lemieux, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, Marchildon, Mattice, Morin, Prévost, Rankin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Stevenson, Terrill, Thibaudeau, and Valois.--(43.)

NAYS.

Messieurs Brown, Chapais, Clarke, Darche, Jean B.E. Dorion, Ferres, Foley, Galt, Holton, Labelle, Mongenais, Papin, Poulin, and Taché.--(14.)

So it was resolved in the Affirmative.

And the House adjourned accordingly.

APPENDIX: 19 OCTOBER 1854.

[NOTICE OF MOTION RE: BILL TO MAKE MAGISTRACY ELECTIVE.]

MR. SCATCHERD had given notice [for leave to introduce] ... a bill to make the country (as well as the city) magistracy elective by the people.¹⁴⁷

[NOTICE OF MOTION RE: BILL TO MAKE TOWNSHIP COUNCILLORS JUSTICES OF THE PEACE.]

MR. S. SMITH [has given notice for leave to introduce] ... a bill to make Justices of the Peace of all township councillors.¹⁴⁸

[NOTICE OF MOTION RE: BILL TO RENDER ELECTIVE LOWER CANADA JUSTICES OF THE PEACE.]

MR. LABERGE, [has given notice for leave to introduce] ... a bill to render J.P.'s, elective down here.¹⁴⁹

[QUESTION AND ANSWER RE: PRINTING OF PETITION FROM NAPIERVILLE AND LAPRAIRIE; AND CAUGHNAWAGA RAILROAD.]

MR. BUREAU [asked two questions].¹⁵⁰

MR. AT. GEN. DRUMMOND stated that he concurred with that member in the opinion that it was important that the petition of inhabitants of the country (sic) of Napierville and Laprairie should be printed; and that he saw with pain that the Caughnawaga Railroad was not in operation. The Legislature, he added, must if possible prevent the recurrence of such a case.¹⁵¹

[WITHDRAWN MOTION: COMMITTEE ON ARBITRATION.]

MR. S. SMITH, of Northumberland, moved a resolution, seconded by MR. THIBAudeau, that a committee of seven members should be appointed to consider the propriety of amending the laws of Upper Canada, so as to enforce arbitration upon litigants, with power to report by bill or otherwise. He stated that in consequence of the expression of opinion elicited on the debate of the bill introduced by the hon. member for Lincoln, he did not think it necessary to make any lengthened remarks. He would say, however, that his object was to introduce a system to compel parties to arbitrate matters which they were litigating, and not to confine into any particular Court in Upper Canada, but to all Courts, the Court of Chancery, Queen's Bench, Common Pleas, County and Division Courts.¹⁵² The honorable member said he was disposed to apply the principle not only to matters of £100, but to all amounts.¹⁵³ He would suggest, as a course likely to be practicable, that a bill should be reported conferring the right upon any party to a suit in which issue may be joined, to apply upon affidavit to a Judge for a summons calling the parties before him, and, on their appearing, requiring them to name indifferent arbitrators, and in default giving the judge the power to appoint them and make an order to refer the matter and stay proceedings in the action. The further proceedings could then go on as in ordinary cases where a reference is made by Rule of Court. By applying the principle to the Court of Chancery, parties who do not desire to remain longer tied up in its forms and delays, and being willing to refer the matters in dispute to arbitration may do so, and this would in a measure take away the objections which are made against that Court. He said that a great deal of odium was now heaped upon the profession of which he was a member on account of

law proceedings and expenses, and he, therefore, thought it would not be out of place or in bad taste for him to bring forward this measure which he honestly believed, if properly carried out, would lessen litigation and expense and confer a benefit upon the people. At any rate it could not do much harm to give it a fair trial.¹⁵⁴

MR. AT. GEN. J.A. MACDONALD asked if the hon. member were prepared with a bill.¹⁵⁵

MR. S. SMITH said he would be to-morrow.¹⁵⁶

MR. AT. GEN. J.A. MACDONALD said the mode of procedure suggested was an inconvenient one, as it committed the House to the principle before the time for discussing the merits of the bill on the second reading. He would suggest the postponement of the matter for a few days. If a bill were first introduced and then referred to a committee, he thought such a committee might be usefully employed for some time.¹⁵⁷

MR. S. SMITH, in answer to hon. Attorney General, said that he had taken the present course upon the suggestion made by the hon. Attorney General West, but he had now no objection to give notice of his intention to introduce a bill on the subject. He would do so and would press it to the utmost; and would withdraw his motion for the present.¹⁵⁸

The motion was withdrawn.¹⁵⁹

[WITHDRAWN MOTION RE: REPEAL OF UNION.]

MR. MARCHILDON, amidst the laughter of the house, moved a resolution to the effect that the Act of Union between Upper and Lower Canada was unjust and ought to be repealed. The hon. member contended that the union was unjust, because Lower Canada had not been consulted about it, because it was free from debt at the time of the union, and because its constitution had been made worse than before by the management of public affairs since that period.¹⁶⁰

MR. MACKENZIE spoke at some length¹⁶¹. [Il] remercie le membre pour Champlain d'avoir amené ce sujet devant la Chambre¹⁶². The Provinces were so dissimilar in every matter and thing, that we might as well expect an union between oil and water. In language, in religion, in civil and criminal law, in local and Provincial interests, in no one thing, did we, or could we agree.¹⁶³ He had laboured for 18 months in London to prevent a union. He had always been opposed to the measure, and he was opposed to it still, but experiments of that sort when once made should have a fair trial. He considered that the union had been injurious to the people of Upper Canada, by saddling them with the expenses of the Grand Trunk Railway which was mainly designed to benefit Montreal. It was now, however, so strongly cemented, that he was afraid it could not be dissolved, the cement being an enormous debt that would embarrass the Province, it was impossible to tell for how many years to come. He supposed it amounted to forty or fifty million dollars, as much as the whole debt of the United States. The government of the United Provinces was just one miserable clique succeeded by another miserable clique, squandering away as much of the public funds as they could. The same had been the case prior to 1837, and just as it had been in 1837, so it would be now, with this exception, that if there were to be any quarrels, he was too old to engage in them now. A burnt child dreaded the fire. (Hear, hear, and laughter.)¹⁶⁴

MR. MARCHILDON, with the consent of the house, withdrew his motion.¹⁶⁵

FOOTNOTES: 19 OCTOBER 1854.

1. GLOBE, 26 October 1854.
2. TORONTO LEADER, 26 October 1854.
3. QUEBEC GAZETTE, 24 October 1854.
4. GLOBE, 26 October 1854.
5. QUEBEC GAZETTE, 24 October 1854.
6. IBID.
7. GLOBE, 26 October 1854.
8. GLOBE, 26 October 1854, reports that: "The committee [was] to consist of Messrs. Hincks, Morin, Brown, Ferres, Cauchon, Papin, and Pouliot."
9. LE PAYS, 24 October 1854.
10. IBID.
11. QUEBEC GAZETTE, 24 October 1854.
12. LE PAYS, 24 October 1854.
13. IBID.
14. IBID.
15. GLOBE, 26 October 1854.
16. LE PAYS, 24 October 1854.
17. TORONTO LEADER, 26 October 1854.
18. IBID.
19. IBID.
20. QUEBEC GAZETTE, 24 October 1854.
21. TORONTO LEADER, 26 October 1854.
22. GLOBE, 26 October 1854.
23. QUEBEC GAZETTE, 24 October 1854.
24. IBID.
25. GLOBE, 26 October 1854.
26. QUEBEC GAZETTE, 24 October 1854.
27. GLOBE, 26 October 1854.
28. TORONTO LEADER, 26 October 1854.
29. IBID.
30. QUEBEC GAZETTE, 24 October 1854.
31. TORONTO LEADER, 26 October 1854.
32. IBID.
33. IBID.
34. QUEBEC GAZETTE, 24 October 1854.
35. LE PAYS, 24 October 1854.
36. TORONTO LEADER, 26 October 1854.
37. GLOBE, 26 October 1854.
38. QUEBEC GAZETTE, 24 October 1854.
39. WESTERN PLANET, 1 November 1854.
40. GLOBE, 26 October 1854.
41. TORONTO LEADER, 26 October 1854.
42. LE PAYS, 24 October 1854.
43. QUEBEC GAZETTE, 24 October 1854.
44. LE PAYS, 24 October 1854.
45. TORONTO LEADER, 26 October 1854.
46. GLOBE, 26 October 1854.
47. QUEBEC GAZETTE, 24 October 1854.
48. GLOBE, 26 October 1854.
49. QUEBEC GAZETTE, 24 October 1854.
50. GLOBE, 26 October 1854.

51. QUEBEC GAZETTE, 24 October 1854. TORONTO LEADER, 26 October 1854, indicates that Mr. Pres. Ex. Coun. MacNab "had not had a magistrate appointed in his own county since 1851."
52. GLOBE, 26 October 1854.
53. QUEBEC GAZETTE, 24 October 1854.
54. GLOBE, 26 October 1854.
55. IBID.
56. QUEBEC GAZETTE, 24 October 1854.
57. GLOBE, 26 October 1854.
58. QUEBEC GAZETTE, 24 October 1854.
59. GLOBE, 26 October 1854.
60. IBID.
61. TORONTO LEADER, 26 October 1854.
62. GLOBE, 26 October 1854.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. QUEBEC GAZETTE, 24 October 1854.
71. GLOBE, 26 October 1854.
72. TORONTO LEADER, 26 October 1854.
73. QUEBEC GAZETTE, 24 October 1854.
74. GLOBE, 26 October 1854.
75. QUEBEC GAZETTE, 24 October 1854.
76. GLOBE, 26 October 1854.
77. IBID.
78. IBID.
79. IBID.
80. TORONTO LEADER, 26 October 1854.
81. GLOBE, 26 October 1854.
82. TORONTO LEADER, 26 October 1854.
83. IBID.
84. QUEBEC GAZETTE, 24 October 1854.
85. GLOBE, 26 October 1854.
86. TORONTO LEADER, 26 October 1854.
87. GLOBE, 26 October 1854.
88. TORONTO LEADER, 26 October 1854.
89. GLOBE, 26 October 1854.
90. IBID.
91. QUEBEC GAZETTE, 24 October 1854.
92. GLOBE, 26 October 1854.
93. QUEBEC GAZETTE, 24 October 1854. LE PAYS, 24 October 1854, indicated that Mr. Hincks "ne s'est jamais mêlé de la nomination des magistrats, excepté dans son propre comté qui a eu autant de magistrats que les autres comtés du Haut-Canada."
94. TORONTO LEADER, 26 October 1854.
95. QUEBEC GAZETTE, 24 October 1854.
96. TORONTO LEADER, 26 October 1854.
97. GLOBE, 26 October 1854.
98. QUEBEC GAZETTE, 24 October 1854.

99. GLOBE, 26 October 1854.
100. TORONTO LEADER, 26 October 1854.
101. QUEBEC GAZETTE, 24 October 1854.
102. GLOBE, 26 October 1854.
103. QUEBEC GAZETTE, 24 October 1854.
104. IBID.
105. TORONTO LEADER, 26 October 1854.
106. QUEBEC GAZETTE, 24 October 1854.
107. TORONTO LEADER, 26 October 1854.
108. GLOBE, 26 October 1854.
109. QUEBEC GAZETTE, 24 October 1854.
110. IBID.
111. TORONTO LEADER, 26 October 1854.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. QUEBEC GAZETTE, 24 October 1854.
118. TORONTO LEADER, 26 October 1854.
119. QUEBEC GAZETTE, 24 October 1854.
120. IBID.
121. TORONTO LEADER, 26 October 1854.
122. IBID.
123. QUEBEC GAZETTE, 24 October 1854.
124. TORONTO LEADER, 26 October 1854.
125. IBID.
126. IBID.
127. QUEBEC GAZETTE, 24 October 1854.
128. TORONTO LEADER, 26 October 1854.
129. IBID.
130. QUEBEC GAZETTE, 24 October 1854.
131. GLOBE, 26 October 1854.
132. LE PAYS, 24 October 1854.
133. TORONTO LEADER, 26 October 1854.
134. IBID.
135. IBID.
136. QUEBEC GAZETTE, 24 October 1854.
137. IBID.
138. GLOBE, 26 October 1854.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. LE PAYS, 24 October 1854.
144. WESTERN PLANET, 1 November 1854.
145. GLOBE, 26 October 1854.
146. IBID.
147. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
148. IBID.
149. IBID.
150. Telegraph (GLOBE, 20 October 1854).
151. IBID.

- 152. TORONTO LEADER, 26 October 1854.
- 153. GLOBE, 26 October 1854.
- 154. TORONTO LEADER, 26 October 1854.
- 155. IBID.
- 156. IBID.
- 157. IBID.
- 158. IBID.
- 159. IBID.
- 160. GLOBE, 26 October 1854.
- 161. TORONTO LEADER, 26 October 1854.
- 162. LE PAYS, 24 October 1854.
- 163. WESTERN PLANET, 1 November 1854.
- 164. GLOBE, 26 October 1854.
- 165. IBID.

FRIDAY, 20 OCTOBER 1854.

(205)

MR. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the twenty-fifth day of September last past, issued by His Excellency the Governor General,

(206)

and addressed to the Registrar of the County of Bellechasse, (Pantaleon Forgues, Esquire,) Returning Officer ex officio for the said County of Bellechasse, for the election of a Member to represent the said County of Bellechasse in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable Jean Chabot who, since his election as the Representative of the City of Quebec and the said County of Bellechasse, had made his election to serve for the said City of Quebec, by means whereof the seat of the said Honorable Jean Chabot as the Representative of the said County of Bellechasse had become vacant, Octave C. Fortier, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the seventeenth day of October instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,
Quebec, 20th October, 1854.

Félix Fortier,
Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Guévremont,--The Petition of Michel Parent and others, of St. Robert, County of Richelieu.

By Mr. Ferres,--The Petition of Robert Simpson and others, of St. Andrews and neighbourhood, County of Argenteuil.

By the Honorable Mr. Merritt,--The Petition of John McDonald and others, of the Village of Gananoque.

By Mr. Antoine Aimé Dorion,--The Petition of Samuel Hills and others, Sons of Temperance, and others.

By Mr. Joseph Curran Morrison,--The Petition of the President and Directors of the Great Western Railway Company.

By Mr. Lemieux,--The Petition of Fabien Blais and others, of the Township of Montminy.

Pursuant to the Order of the day, the following Petitions were read:--

Of Samuel Snell, of the City of London, England, seaman; complaining that he is now suffering an unjust imprisonment, by reason of a partial Judgment rendered against him by John Maguire, Esquire, Inspector and Superintendent of Police for Quebec; and praying an enquiry in the premises, and the dismissal of John Maguire, Esquire, from office.

Of the Governors of the University of McGill College; praying for aid.

Of John Bell and others residing along the proposed line of Railway from Amherstburg to St. Thomas; praying an Act of Incorporation for the construction of the said line of Railway.

Of W.H. Allworth and others, of the Village of Port Stanley; and of Asa Durkee and others, of the Township of Norwich, County of Oxford; praying for the passing

of a Prohibitory Liquor Law.

Of the President, Officers, and Members of the Literary and Historical Society of Quebec; representing the loss they sustained by the burning of their apartments situated in the Parliament Buildings, Quebec; and praying for additional aid in consideration thereof.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

(207)

Your Committee have examined the Bill to extend the time for completing the Louth Harbour, and have agreed to certain amendments, which they beg leave to submit for the consideration of Your Honorable House.

Ordered, That Mr. De Witt have leave to bring in a Bill to incorporate the Educational and Evangelical Society established at La Grande Ligne, in the District of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General--Documents from the Bureau of Agriculture, submitted in pursuance of the Acts 16 Vic. caps. 11 and 18.

For the said Documents, see Appendix (I.I.)

On motion of MR. BROWN,¹

(207)

Ordered, That the Honorable John Sandfield Macdonald have leave of absence for one week, from Monday next.

Ordered, That the Bill to extend the time for completing the Louth Harbour, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

MR. AT. GEN. DRUMMOND moved that the opinion of the Attorney General of the United States in reference to the Reciprocity Treaty, be printed for the use of members. Mr. Drummond took the opportunity of denying that he had left town in the beginning of the week, with the view of assisting the election of Mr. Timothy Brodeur for the County of Bagot. He had gone to Montreal on pressing private business of his own.²

MR. J.S. MACDONALD of Glengary scarcely thought that so much importance should be attached to the private opinion of Mr. Cushing as to justify a formal motion that it should be printed for the use of members.³

MR. A. DORION of Montreal asked what the document would be printed from. From the newspapers?⁴

MR. AT. GEN. DRUMMOND.--It will be taken from the Washington Union.⁵

The motion was then agreed to without a division.⁶

(207)

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

Ordered, That the Opinion of the Attorney General of the United States (now

handed in) in reference to the Reciprocity Treaty, be printed for the use of the Members of this House.

On motion of MR. CHISHOLM,⁷

(207)

Ordered, That the Statement of the Affairs of the Hamilton and Toronto Railway Company, to the 30th September, 1854, laid before this House yesterday, be printed for the use of the Members of this House.

Octave C. Fortier, Esquire, Member for the County of Bellechasse, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his Seat in the House.

Mr. Holton moved, seconded by Mr. Galt, and the Question being proposed, That it is inexpedient to continue the present system of depositing all Public Money as received in one Bank;

MR. HOLTON ... said, that this was a very important matter which the Commercial community had expressed themselves very strongly upon. The Boards of Trade of Montreal and Quebec had memorialized the government very frequently upon the subject, and if the Boards of Trade of the Western Cities, had not pursued the same course it was not that the merchants of those Cities did not view the matter in a strong light. The present Administration were not to think that he wished to force this motion prematurely upon them. But he should be guilty of a gross dereliction (sic) of duty to the Commercial community whom he had the honor to represent in this House, if he failed to bring this subject before the House, and the public interest that was most at stake in the question that he was about to lay before the House. It had been common on previous occasions, through the Press and the House, to make this question of government deposits in Banks hinge upon a controversy between the Banks, and it had been alleged, that because the Bank of Upper Canada had granted an amount of accommodation to the government, which the other Banks refused to give, that therefore the existing arrangement with the government and the Bank of Upper Canada was justifiable. Now the inconvenience which merchants are exposed to at this time by the plan of the government depositing all the public money in the Bank of Upper Canada was too obvious to require him to elucidate it. He would state a few figures which would make this point very apparent. It was very well known, that by far the larger amount of duties paid early in the spring at the first opening of navigation, has to be disbursed by the merchants before they realize any portion of the proceeds of their goods, and the payment thereof, is just tantamount to transferring so much gold from the various vaults in the country, into the Bank of Upper Canada. On the 12th of April last, there was deposited in the Bank of Upper Canada, not bearing interest £111,000; on the 24th June, covering the great part of the spring importations £462,000 and on the 7th July £492,000 thus shewing, that over £350,000 had been advanced by merchants, before they could realize any portion of their profits by spring sales, and this large sum was extracted from the coffers of other Banks to be deposited in the Bank of Upper Canada. If this exposition should be controverted, he might have something further to say upon it, but the loss of interest sustained by the Province was very great through pursuing this system, for it could be shewn, that the average of deposits not bearing interest in the Bank of Upper Canada, is at least £300,000. An arrangement might be made with all the Banks, whereby interest of at least three per cent, would be paid upon all the floating balances in the Bank. The interest upon £300,000 at 3 per cent, would be £9,000 which is not obtained under the

present system pursued, and is just so much extracted needlessly from the resources of the country. As regarded the question of the safety of depositing public monies in this manner, he would be sorry to reflect upon the management of any of the Chartered Banks in the country, but there certainly was some danger in depositing in one bank a larger sum than the paid up Capital of the Bank. The money so paid in is of course employed in the ordinary trading speculations of the country, and cannot be suddenly called in, and certainly we are exposing the money to hazard, or the mismanagement perhaps of a particular bank. This consideration would not apply if the sums of money were distributed among various Banks of equal credit and standing. However he (Mr. Holton) had no wish to press this motion forward unduly, but felt disposed to give the honorable Inspector General time to look into the subject but he did wish to know what was the feeling of the House upon the expediency of continuing this system. He wished it to be understood, that he did not come forward as a representative of the Banking interest.⁸

MR. INSP. GEN. CAYLEY expressed his regret that the hon. member for Montreal (Mr. Holton) was so pertinacious in pressing this question upon the Government, not content with the answer which he had received four days ago, and the answer given to the hon. member for Toronto (Mr. Bowes) on the same subject. The hon. member had stated that if he, Mr. Cayley, had announced more clearly his policy in his reply to the first question put to him, the resolution now before the House would not have been brought forward; but that was the very point at issue, as he had stated, that the Government were not prepared to declare what course they would pursue with regard to it. The Government since the re-election of some of its members, had not been re-assembled a week, and one member was still absent, and, therefore, he thought it was not too much to say that they had not had time to give the question that consideration which its importance demanded.⁹ [He] regretted that the subject should have been brought forward, because he thought he had a right to expect of the members of this House that they would give him credit for endeavoring to do justice to all parties in the management of the department which had now devolved upon him, to the banks of this Province as well as to the customers of these banks.¹⁰ In reply to that part of the honorable member's observations, in which he stated that the present arrangement worked to the prejudice of the commercial community, no doubt it was true that in some instances merchants had had a difficulty in procuring discounts to make their payments for duties, from the fact that the banks not being the provincial agents of the government objected to their cheques passing directly through the hands of the collector of customs into the particular bank having the government account, and he should be glad if he found it in his power, without impeding the freedom of action which a responsible government should possess, to relieve the mercantile community in this particular; but what was it on the other hand that the banks were contending for. Why, simply this, that they should draw interest on money which would not virtually leave their hands. And in reply to the observation which had been made, that the other banks were placed at a disadvantage in their exchanges with the favored bank, it might be that a return of the bullion imported by each bank for the last three years would furnish arguments for a different conclusion. And with reference to the statement that a preference had been shewn to the Bank of Upper Canada over the other banks, he had to remark that all the banks, as he had been informed by the honorable member for Renfrew, had been invited to state on what terms they would undertake the government account, at the same time that they were made acquainted with what the government would require. In reply, the Commercial Bank declined

making any proposition, while the Banks of British North America and Montreal objected to the conditions imposed by the government, the Bank of Upper Canada alone coming into the proposed arrangement. The honorable member for Montreal had also objected to the large balances left in the hands of the Bank of Upper Canada.¹¹ It should be remembered that one effect of its so holding the Government Account was that it must be prepared to answer very large cheques at a moment's warning. And, so far from the Bank of Upper Canada being in a position to take advantage of all the sums deposited with them, they must at all times be prepared with a balance in hand to meet immediately as large cheques as £50,000 or £60,000. The hon. member for Montreal (Mr. Holton) had quoted the months of April, June and July, as showing very large amounts in the hands of the Bank of Upper Canada.¹² [He] had instanced the amounts which appeared at the debit of that bank on the 24th of June and 2d of July last, but the honorable member was not probably aware that by the arrangements made with the government that bank had assumed the payment in England of the half yearly dividends of the provincial debentures which accrued to a large amount, half yearly, on the 1st of July and January in each year, and which would probably amount to a large balance at the particular period quoted.¹³

MR. HOLTON said he had not selected these months as showing the largest amount, but simply to elucidate the idea that a large amount of money was drawn from the other banks into the coffers of the Upper Canada Bank at a time productive of the greatest inconvenience to the mercantile body.¹⁴

[MR. INSP. GEN. CAYLEY] also called the attention of the honorable mover of the resolution to the fact that the government monies were held in two distinct shapes and conditions; the one at interest, in which all the banks that chose participated, which could not be removed without notice, and which could with propriety be employed in their banking operations; the other a fluctuating balance at call and on which the government drew as funds were required. As an evidence of this fact and to show that the Bank of Upper Canada could not and did not consider this fluctuating balance in their hands as available for discounts, he would quote the state of their account at particular periods in the month of September last. For instance:--

On 12th Sept. it stood.....	£303,173
" 13th " "	244,089
" 14th " "	204,568
" 25th " "	228,313
" 26th " "	177,799

Thus it would appear that in two days the amount was diminished £50,000, and that a sum of upwards of £50,000 had been checked out on three separate days in one fortnight. It was therefore clearly to be understood that the government did not consider these fluctuating balances in the hands of the banks in any other light than at call and certainly not available for discounting purposes (*sic*).¹⁵ This showed the importance and necessity of having a large sum at call for the wants of the Government, which could not be used for the convenience of the customers of the bank. He was not prepared, however, to assert that no plan could be adopted by which the difficulties of the merchants might be met. He could not at present say that, because he had not been able to give the subject sufficient attention since he had accepted office.¹⁶ It had been remarked by the honorable member for Montreal that when he (Mr. C.) was Inspector General in a previous administration he had adopted a different plan and had divided the balances indifferently among the several banks. That was true; but it was one thing to continue in a course which had been gradually growing up until it had assumed

a definite shape, and another to return by a sudden rupture of existing arrangements to that course after it had been discontinued for a period of seven years. The present arrangement had led, also, to another change affecting the mode of making remittances to England to meet the engagements of the province: formerly on the approach of dividend day it was the business of the government there to seek and purchase bills of exchange and transmit them in sufficient time to allow them to mature before the presentation of the coupons for payment. This necessarily involved considerable loss of time and some interest. The course now pursued, which was one of the conditions enetred (sic) into between the government and its fiscal agent was that the latter should pay the dividends as they become due in England through their correspondents there, and when the vouchers of payment should be produced here that they should be carried to the credit of the bank. For this duty no commission or agency was paid by the bank. This course relieved the government from all trouble and anxiety in watching after their engagements in England; and to show, that it was really a relief, he would state an occurrence which had taken place during the administration of the late Inspector General. The circumstance was that on some one occasion, he could not state the day, a remittance of £10,000 to meet a dividend had either been overlooked or had been transmitted too late to meet the payment to day. Now this oversight occurring at a time when the provincial chest was full to overflowing, when its credit was good and all parties were united to ma[i]ntain that credit, it was viewed as an accidental omission; but had it occurred at a time when the chest was low and money tight, the administration weak and its financial engagements assailed, as was the case when he (Mr. Cayley) was Inspector General in 1847, the oversight would have worn a very serious aspect. While he was on this point he would take the opportunity of adverting to the state of things that had existed during and prior to the period that he had held office in a former administration. It would be in the recollection of many members of the House, that at the time of the union of the provinces, a loan of a million and a half sterling had been granted by the Imperial Government, which sum was appropriated for the construction of public works throughout the united provinces, and the honorable Mr. Killally (sic) was called upon to estimate for that expenditure, and under the estimate the works were contracted for and commenced; but the time arrived in 1846-7 when the fund became exhausted, while the contracts made in 1842 ... were far from completion.¹⁷ When Mr. Killaly was called upon to explain the discrepancy (sic) between the estimated and the actual cost; he said that he did not regard a discrepancy of 15 or 20 per cent as great when it was considered how little time there was given to make the estimates.¹⁸ There were three courses open for the government of the day in this predicament--to stop the works--to raise a fresh loan or to endeavor by a strict course of economy, to complete the works out of the surplus revenues of the province. This last alternative was adopted.¹⁹ He (Mr. C.) came to the conclusion to use the surplus revenue for that purpose. He might have committed a mistake in this respect; but he thought not. He believed that a surplus of £18,000 or £20,000 a year would have been sufficient to enable the government to complete the public works then commenced²⁰. And while he admitted that it kept the public chest very low, he invited inquiry to be made to show whether any portion of the public revenue had suffered or had been neglected, or that any engagement had remained unfulfilled on the part of the government. But this economical proceeding was attended with an inconvenience of a very embarrassing character, it cut off the means to a very great extent of meeting the wishes and demands of their friends and supporters in the House for local improvement.²¹ (Laughter.)²² He might then have made the finances more flourishing by increasing the customs duties, but he had always acted on the principle of only keeping

the Government chest sufficiently full to meet the engagements of the Government, and not so overflowing as to lay the Government open to the charge of lavish and corrupt expenditure.²³ Now it must be admitted that such a course was not calculated to strengthen the government; and it was well known to the House that that administration had frequently been charged with not supporting their friends, and no doubt in the eyes of the leader of the opposition the honorable member for Glengarry, as shewn in his speech of the previous evening on the necessity of ministerial corruption, he (Mr. C.) had been guilty of a gross political blunder,--he admitted the charge and threw himself on the mercy of the House,--and it was a blunder at all events which viewing the present state of the public chest need be repeated. The late Inspector General whose financial talent and great ability he had at all times admitted, did not see fit to continue the same state of things, as within three week[s] of his acceptance of office, a bill was passed authorizing the government to raise by debentures £450,000, the excess expended in completing the public works, and thus the new government started with a chest filled so to speak, by the economical savings of the former administration, the one had tolled and suffered, the other bore off the spoils.²⁴ (Hear, hear, and laughter.) If he (Mr. C.) were now asked whether he intended to bring down the chest to the old state, he replied that he trusted he should only do so after full consideration, and he hoped he never would have the chest so low that he could not make provision for his friends. (Renewed laughter.)²⁵ The Inspector General concluded his remarks with some further observations upon the motion of the honorable member for Montreal, at the same time stating, that it was his intention for obvious reasons, to give no opinion either one way or the other upon the merits of the question, which in the shape in which it then stood, he was bound to oppose, but he was quite prepared to name a committee of enquiry to obtain information if the House desired it.²⁶

MR. BOWES.--Was aware that the Board of Trade of Toronto had not memorialised government upon this subject as stated by the honorable mover, but every merchant in Toronto feels the difficult position in which he is placed by reason of having all the monies deposited in the one bank alluded to. He (Mr. Bowes) could see the necessity of keeping a large balance at call to the credit of the government, but this large balance could be as judiciously kept in three or four large banks as in one, and the merchants would then be relieved from the difficulties which they now labor under, in being called upon to meet the cheques of banks with which they have no account. Formerly the merchants gave bonds for duties, now they are obliged to pay in cash, and they find it very inconvenient in a case of large imports to go to a bank to demand discounts, when those discounts will have to be paid out in cash to another bank. Checks of the merchants should be placed to the credit of the government in the banks upon which they are drawn. He (Mr. B.) had no doubt that the Custom House officers would find it a convenient course as well as to keep their accounts in one bank. If a change were promised to be made in the way of keeping these accounts by the honorable Inspector General, he would be satisfied, but not otherwise.²⁷

MR. INSP. GEN. CAYLEY said he had before stated his readiness to name a Committee to make inquiry into the subject, to see how far the mercantile community were really inconvenienced by reason of the existing system, and how far a remedy could be introduced without creating any embarrassment to the Government.²⁸

MR. MERRITT thought that this was a very proper matter to be referred, in connexion with others on the subject of Banking, to a Committee. It had been

argued, that by the existing system injury was done to the merchant, but what was that, he (Mr. M.) would ask, compared to the public interest of Canada? The consequence of its being referred to a Committee on Banking would be to have enquiry made into the whole question, and particularly into the system of exchanges being made in specie. He (Mr. M.) did not care who the Committee was composed of, so long as they enquired into this one subject; and it was the more called for, as all Banks were now asking for additional capital.²⁹ Was this to be done and how? ... Were we to increase the capital of these individual banks or leave them to do it under the free banking law?³⁰ Did they mean to adopt one system of Banking in Canada or not? Let this Committee be appointed, and we should then see what reason they would assign for the future policy of the government upon our financial operations.³¹

MR. BROWN thought that the course suggested by the hon. Inspector General was not the correct one. The government was responsible for all its proceedings in regard to the public funds. The government should now defend the policy which they have adopted in regard to this Bank depositing system; but if the proposed Committee was granted, it would amount to a declaration of want of confidence in the ability of the hon. Inspector General to conduct the affairs of the Government. If in such a matter, wherein £800,000 is involved, the government desired that it should be referred to a Committee, it showed most conclusively that there was no responsible government.³²

MR. HINCKS entirely dissented from this position.³³ Nobody would go further than himself to force upon the Executive Government their share of responsibility. He concurred in referring the subject to a Committee, but dissented from the hon. member for Lambton in his view of the course to be taken by the hon. Insp. Genl. The Insp. Genl. wished to refer the subject to a Committee to enquire into the effect of making these deposits in the present manner on the commercial community of the country. The object of appointing this Committee was, not to get rid of responsibility on the part of the Government, but to get evidence upon which they could proceed. The same course was pursued in England, namely, that Commissions of Enquiry are appointed to get information upon any particular subject, upon which legislation was afterwards based. If the course now adopted by the Government in regard to the Banking system is prejudicial to the merchant, let that Committee decide it, and the result of their deliberations be placed in members' hands. Now he (Mr. H.) was speaking more in his own defence than in that of the Government, because the system which the present Inspector General is called upon to change now had been the system which the late Administration pursued in relation to the public accounts, and he thought that the Insp. Genl. was right in stating that he the (I.G.) should not be so suddenly called upon in this matter, when the Government were so pressed with measures of importance. The pressure came too soon. If hon. members on the other side could satisfy him, (M. H.) upon investigation, that he was wrong, and that the course which has been adopted is detrimental to the public interests of the country, he (Mr. H.) would be the last man in that house who would not be willing to make a change in it (hear, hear.) The hon. member for Montreal had declared that he does not come forward in the interest of the Banks. So far as the Banks went, he (Mr. H.) did not desire to add one word to what had been stated by the hon. Insp. Genl. in regard to the necessity of having enquiry. When the seat of government was removed from Montreal to Toronto, circulars were issued by the Receiver General, who is more than any other Government officer in communication with the Banks--the Inspector General and the Receiver General being cordial--together offering propositions to the

Banks to accept the government account. The Banks of Montreal and British North America declined the proposition.³⁴

MR. BROWN questioned the fact.³⁵

MR. HINCKS.--They did decline³⁶. Not only was the proposition brought before them in the clearest possible terms, and they refused it, but they were written to a second time and reiterated their refusal³⁷. The correspondence in the Receiver General's office would prove this fact. The reason that the Bank of U. Canada got the account at the time was, that they were the only Bank that could be found to accept the proposals of the Government. The question now was, as to the effect of the arrangement upon the commercial community. The floating balances might be divided into two classes; the first of which was that the Insp. Genl. explained as being that which it was not the interest and duty of government to allow the banks to loan out to the commercial community, but which is kept for the general public convenience. He (Mr. H.) would submit to the House that what the balances should be it is for the responsible government to determine; but there might be a sum of money which the government may have at its disposal, which it might not think it necessary to keep at call, and may safely be placed in the Banks to be loaned. Now, with regard to that portion of the public money which the Government placed in the hands of the Banks at interest, so as to enable them to lend it to the merchants at interest, the Government had never given the Bank of Upper Canada any advantage over any other³⁸ Bank in the country, that they were open to offers from the other Banks, and had actually been in communication with those Banks.³⁹ Now he (Mr. H.) could declare that no favor had been shown. With regard to the mere floating balances, he (Mr. H.) happened to know that at the times alluded to by the hon. member for Montreal the government are called upon for very large sums of money, and it did not follow that because there was an apparent balance of £492,000 in the Bank of Upper Canada, that therefore the Bank had that sum available for the purposes of the government, because large dividends were due in London upon the 1st of April in that year, and in July;⁴⁰ it frequently happened that when there was a large apparent balance of £300,000 the Bank had really advanced the whole of that amount.⁴¹ The Bank of Upper Canada at present is constantly in advance. The Commissioner of the Board of Works knew that the balances appeared to be in the credit of the Bank, when, at the same time, that money was absorbed by advances, and it is only the government that can determine what the exact state of the account is. The hon. member for Montreal had referred to banking transactions in regard to the payment of duties at particular seasons of the year. Well, at particular seasons large amounts have to be paid by the commercial community; but the question would be, whether this is to sanction a principle which he (Mr. H.) thought would be a dangerous one, and which the opposition would force if they could upon the government, namely: that while the duties are to be paid in cash to the government, that the government is to provide a system of credit for these merchants to make use of. This was absurd.--⁴² Now, if a merchant had, say a thousand pounds of duties to pay to the Government, it was his business either to have that amount in his pocket, or else to be able to get it. He ought either to have the amount himself, or to have a legitimate bank credit which would enable him to get it. Having a bank credit would amount to this, that the bank would send him the thousand pounds for three or six months to accommodate him in his business. But the proposition now brought forward was this, that when the bank discounted the note, and charged the merchant six per cent, for discounting it, it would not give him the money for it, but insist that the amount of duty should be deposited in that bank, which thus would not advance a single shilling on the note. That

was the naked proposition; and that was what he wanted to see fairly brought out by evidence before a committee. He did not care for the opinion of that committee, but only for the evidence which that would elicit. He would give an illustration of his argument. He would take a bank with a capital say of a million pounds. He would assume that the legitimate deposits of that bank were £400,000, and its circulation £600,000, making its liabilities altogether £2,000,000. Where, then, were these two millions placed? He would suppose the bank had £250,000 specie in its vaults, and £1,750,000 lent to the public. The argument used by the hon. gentleman who had introduced the motion was, that at a particular season of the year, in the months of May and June, when it became necessary to pay the customs' duties, a pressure came upon the other banks for specie, in consequence of the duties being all deposited in one bank. How was this brought about? He would suppose that a part of the £400,000 of deposits were deposits which a prudent merchant-- a merchant of large capital and plenty of means to carry on his business--might have placed in the bank. Suppose that an aggregate of such merchants may have placed £100,000 of deposits in the bank for the purpose of paying their duties. It would be perceived that the effect of the present system was, that the merchants took out this £100,000 from the bank where it had been deposited, bearing no interest, and that the money went into another bank. Supposing that were the case, was that a matter which required the interference of the House, or was it to be argued that, because merchants chose to deposit in a certain bank money, in anticipation of paying duties to the crown, therefore the Government were bound to keep it in that bank, and not where they considered it to be for the interest of the public that it should be kept. He would take another case, and suppose that the bank, having £1,750,000 under discount, was called upon to increase its line of discount at that particular time beyond that amount, to meet the requirements of the merchants. In reference to that he would say, that bankers knew perfectly well, that at particular times of the year there extraordinary demands would come upon them, and it was the duty of every banker-- it was part of his business--to make arrangements for meeting the wants of his customers at the proper time. He contended, to reference to these operations of the mercantile community, that the Government were not bound to lay down any rules of proceeding in order to accommodate or direct the trade of the country. The fact of the matter was, that the floating balance required to meet the exigencies of the Government, and what the amount of it should be, it was for the Government alone to determine, should never be used by the banks at all, and unless the banks wanted to use the money it was no object for them to have it paid unto them.⁴³ Now he (Mr. H.) desired to have an examination into the subject by a Committee, and let evidence be brought forward, and then let the Inspector General and the House decide whether it is expedient for them to adopt a system, the effect of which is, that the government of this country are to place the revenue which ought to go into the public chest into these Banks as deposits who are lending out their capital to the merchants at interest.... As far as the Hon. Inspector General was concerned, he (Mr. H.) had never joined in any personal attack upon him during his (Mr. H.'s) filling the same office as that hon. gentleman; and he (Mr. H.) believed that there was a great deal of truth in what fell from the Inspector General. He alluded to the public works brought forward in 1841, when neither (Mr. H.) [n]or the Inspector General were in the government, to prove that he (Mr. H.) was no more responsible than the Inspector General for the excess of expenditure which took place above the estimates which had been formed for carrying out the Public Works of the time. The embarrassments of the Government at that time did not arise from

any deficiency in the revenues or from their incapability to meet the demand of the country; but it was caused by the necessity of providing for Public Works, which were not contemplated previously by the country would be carried out. He (Mr. H.) thought that the Inspector General might have made out his case completely if he had shown that which he (the Inspector General) kept in the back ground; the fact that the government did not confine themselves to the old works which they had undertaken, but had brought forward a variety of new work.--That is the only complaint that could be made against the government of that time; and that they undertook these new works at a time when there was no security that they could get the money; otherwise the government might have thrown all the responsibility upon their predecessors. It was a most unreasonable thing to blame the Financial Minister of the country because he could not get money to carry on the Public Works of the country. (The hon. member for Renfrew concluded by stating that he was not silly enough to believe that any of the prosperity of the country was attributable to him; it was owing to circumstances altogether beyond his control.)⁴⁴

MR. GALT said, it had not been his intention to take part in the debate, but as the hon. member for Renfrew had referred to him, he would not hesitate to state his views on the subject. Notwithstanding that the hon. mover had insisted on the question being one which concerned the public rather than the banks still, it was evident from the remarks of the Inspector General, and the member for Renfrew--that they regarded it as a mere bank question and defended the course adopted by the late administration. A great deal had been said of the necessity of keeping large floating balances to meet the daily wants of the Government, and the House had been informed that besides this, the bank of Upper Canada, had to provide very large amounts to pay the engagements of the Province in London. Now he (Mr. Galt,) found by the public accounts that the interest on the debt payable in England was only £89,000 every six months. Surely such an amount as this, did not require that the daily floating balance not bearing interest should vary from £200,000 to £500,000. Besides he contended that as the Bank were paid sa (sic) commission for the service--it was absurd also to bring this forward as a reason for leaving immense sums bearing interest in their hands, while a large sum only bearing three per cent, was also deposited with them. The member for Renfrew however contended, that in reality the public did not suffer by the present system because that the floating balance being subject to the demand of the Government, could not be used by any prudent banker, and would therefore be of no more service to the public if in three banks, instead of in one. This depended very much upon the amount of the floating balance, compared with the wants of the Government. Many contended that it was excessive but even if not, it certainly constituted no objection to dividing the balance among all the banks, and thereby removing the existing complaint. The illustration given by the member for Renfrew of the position of the assets and liabilities of a bank, did not bear out his case, as it was manifest to every man acquainted with this subject, that an extraordinary call on the bank could only be met by a reduction of the deposits or its other assets either in specie or in its London credit, which must cripple its means of giving general accommodation. The principal amount of duties was paid in Montreal where the Government bank had no office of general discount. The consequence was, that when the large importation took place the other banks there were constantly obliged to make good their fortnightly balances to the Bank of Upper Canada in specie or exchange--arising solely from duties, at a time when their customers were pressing them for their importations. When money was scarce, and many feared a commercial crisis, it was most important that the Government, should so distribute the Provincial balances, as to interfere as little as possible with the resources of the

banks, and he (Mr. Galt) therefore hoped, that the present system would be abandoned, though, if the Inspector General desired delay to consider the matter, he thought it might be well not to insist on an immediate declaration of his intentions.⁴⁵ It was rather strange to hear the hon. member for Renfrew insisting on the appointment of a committee, when it was evident that he had made up his mind so strongly himself on the subject, without the aid of any committee.⁴⁶

MR. YOUNG, (Montreal,) did not think that the appointment of a Committee would attain the desired object, as the responsibility of the Government by such means would be shifted upon the Committee. That is wrong. He (Mr. Y.) was in favor of giving the Inspector General time to look into the subject to see where it was best to have the deposits placed, and probably the hon. mover would in the mean time withdraw his motion. The present system of the Government making deposits was in his (Mr. Y's,) opinion insufficient.⁴⁷

MR. HINCKS. Hon. members had no right to enquire into that.⁴⁸ You are all afraid of enquiry, (Cries of no, no, it is a mere put off.)⁴⁹

MR. YOUNG.--Je ne le crains pas du tout. Si les banques de Montréal même ont eu tort, ce n'est pas une raison pour faire souffrir les commerçants du pays, et surtout de Québec, où le gouvernement ne s'est pas adressé aux banques.⁵⁰

MR. FERRES said, that although he had strong convictions on the subject he had not intended to address the House, had it not been that a correspondence⁵¹, from the appendix to the Journals of the House⁵², between the Government and the banks had been referred to but not read. That correspondence had taken place in 1849, and he now would state from the returns made to the House, what the substance of the correspondence was. He would not read the letters in full, but it would suffice to say, that it was between the hon. Receiver General, on the one side, and certain banks on the other. It commenced in a proposal on the part of the Receiver General, which was embodied in this passage of his letter, "With respect to the balance at credit of the Receiver General with your institution, it is desirable, that it should be transferred to your branch here, and that the amount should be kept here, at the same time as heretofore, it is required that my cheques should be duly honored without extra charge at any of your branches throughout the Province." This then was the proposal of the Receiver General. It was asserted by the hon. member for Renfrew, that the banks written to had refused.

Mr. F. read over several letters which had passed between the parties in consequence of a misapprehension of other points in the letter, but he would read the sentence of the letter which contained the joint answer of the banks to the proposal of the Receiver General in the following sentence: "The cheques of the Government Departments, drawn on Toronto, will be paid without charge at any of the branches or agencies of our respective banks in that section of the Province, and the cheques drawn on the Government account in Montreal, will in like manner be honored free of charge at any of our establishments in Lower Canada. In the event of the Government desiring to transfer any portion of the Revenue collected in one section of the Province, to the credit of its account in another, we would desire to make this the subject of a special negotiation. We believe that in general, it will be convenient for our respective establishments, to facilitate in this respect the financial arrangements of the Government, and without making any charge for performing this service, but we wish to reserve to ourselves the option of declining to do so, should it at any time prove to be inconvenient." Now then, instead of the banks having refused to accede to the proposal of the Government, there was, in the preceding extract a direct acceptance of it,

and a distinct engagement to pay any amount of monies, at any point require[d] by the exigencies of the public service without reference to the office at which they may have been collected. Instead of a refusal on the part of the banks it was on the contrary, a specific agreement to meet the wishes of the Government, the only point in difference between them in language being, that the Receiver General wished to have the banks, transfer to the city of Toronto the balances accruing in the different parts of the Province.⁵³ Tout le monde sait que la plus grande partie du revenu est perçue dans le Bas-Canada, et lors de la discussion entre le gouvernement et les banques, les plus grands paiements s'y faisaient. Les banques ne voulaient donc pas transporter tous les fonds du gouvernement d'une partie de la province à l'autre seulement pour les rapporter plus tard⁵⁴. But this difference was met upon the part of the banks by their declaring that they were ready in effect, to transfer all their balances everywhere to the point at which it might be required to distribute (sic) them. With respect to the Government, placing in one bank, the whole revenue as collected by their officers he must say that he condemned it, as one hurtful to the interests of the community and particularly to those of the mercantile classes. It had been said by the hon. member for Renfrew, that the prudent merchant would make his preparations paying duties to the Government as the season of the year when they were principally made was well known to him. He (Mr. F.) concurred in that, as he would concur in the sentiment, that the prudent merchant would make ample provision for the payment of all his obligations. But was the Government to step in and by its financial policy create any embarrassments to the merchant in providing for such obligation. The House had been told, that the Government was to be told, that the Government was not to be expected to make arrangements for the merchant in his banking operations, and that also was perfectly true, but neither ought the Government to make arrangements by which the merchant might be impeded in those operations. It was not the duty of Government to arrange, neither was it its duty to derange the course of the merchant's business. This country was poor, and the merchant, as every other man in business, depended somewhat on his credit, as he did to its utmost extent, upon his capital. And the banks on the other hand, made their calculations as to the extent of accommodation they felt safe in affording to the man in business. But if their assistance to him are to be passed off as cheques to a bank, which collects all the cheques of its other customers and calls upon them afterwards for specie, the bank will be precluded from furnishing those facilities which otherwise it would do if the cheques were to remain with them and to be drawn out as the Government's wants demanded. He maintained, that that system, laid down by the hon. Inspector General, in 1847, was the best for the country. He would read the circular in which it was set forth.

The hon. member here read an extract from a circular in the Montreal Gazette to the effect, that deposits were to be made by all officers of the revenue in the Chartered Banks preferring those which paid interest upon them to Government. By it all cheques were deposited in the banks on which they were drawn, and the operation was completed, not by counting specie nor providing bills of exchange; but simply by a clerk noting the figures representing the amount in the debit of the merchant and the credit of the Government. This was simple--it was efficacious, and it disturbed no specie or any other calculation. As to the security alluded to by his hon. friend from Montreal (Mr. Holton,) he was happy to bear testimony to the high standing of all the Chartered Banks of the Province. They were managed with a caution and judgment which entitled them to every confidence; to such confidence as they universally received in the country. But at the same time he felt bound to remark that the statement of the hon. member for Haldimand

the other evening was deserving of notice. That gentleman had asserted that £300,000 had been lent to the Great Western Railway Company by the Upper Canada Bank. Now how did it get that amount of money to invest? He supposed in a guage permanent way or in any way? The capital of that bank was some £330,000 or £380,000, and here was a sum bearing a large proportion to its whole capital lent by it without diminishing,--he was bound to believe its means of supplying the usual wants of its customers. He would not be interpreted as intending to cast the slightest imputation upon the transaction--he presumed that it was all perfectly right, but a public question was now under discussion, and if it was the money of the Province that was going into a Railway speculation no matter how secure, he must express his total dissent from the system which permitted such an appropriation of public money through the doors of a bank. Nor did he think, that the Government ought to encourage any bank in laying out its deposits in that way, besides supplying the funds itself. It would be much better for the Government to distribute that money among the banks in different parts of the Province to be returned to the uses of commerce by the usual channel.⁵⁵

MR. HINCKS said his only object was that the House should be put in possession of all the facts. He had made a statement of facts; and the hon. member for Mississquoi had denied that statement. He would read the correspondence between the late government and the banks as to the terms on which the latter would undertake the business of the government. He did so because the hon. member (Mr. Ferres) had read only--he would not call it a garbled extract--a very small portion of the correspondence, in order to enforce a particular view of the case. While the other banks refused to agree to the proposition of the government, the Bank of Upper Canada not only acceded to it but offered to give them a credit of double the amount ever offered by any other bank. He explained how the Great Western Railway Company came to get so large an advance from the Bank of Upper Canada. The Company was entitled to receive government debentures, on account of the government guarantee to the road, and they wished to draw of these debentures as little as possible. They therefore obtained large advances from the Bank of Upper Canada; the bank having an assurance that they would receive from the government the amount due to the Railway Company at any time when they should require it.⁵⁶

MR. FERRES denied the charge that he had quoted unfairly, and repeated that the passages he had read completely contradicted the assertions of the hon. member for Renfrew.⁵⁷

MR. BELLINGHAM pense que la question devant la Chambre se divise en deux branches--Premièrement, quelle est la manière la plus sûre de garder le trésor de la province, et secondement, comment peut-on le garder pour favoriser le mieux les intérêts des commerçants, et des banques mêmes.⁵⁸ It was a question of great difficulty. And again if the government had a right to deposit in any particular bank, they might be charged with exercising partiality. The House should take into consideration, the way in which the Revenue of the Province, was [to] be placed before the Union, it was the custom for the whole of the Revenue to be placed in specie in the hands of the Receiver General. The question of the right of government to deposit the public revenues in one special Bank, had in the United States absorbed, a large amount of public attention, but was difficult of solution.⁵⁹ Le général Jackson en détruisant la banque des Etats-Unis, qu'il croyait être dangereuse aux libertés du pays, amena la ruine de toutes les classes commerciales et industrielles. Le système actuel dans les Etats-Unis, est d'avoir des trésoreries nationales.⁶⁰ In England the Revenues are deposited in the Bank

of England⁶¹. Ces deux plans ont des mauvais côtés, et sans doute avec l'augmentation des affaires du pays il faudra que la Chambre fasse un arrangement quelconque pour la protection du trésor. Il est donc en faveur du comité.⁶²

MR. FOLEY said that as far as the policy of the late government was concerned, it had been triumphantly defended by the late Inspector General this evening.⁶³ Although on the Opposition side of the house, he felt constrained to make this admission, being always willing to give credit where credit was due.⁶⁴ The question with him (Mr. F.) was that of safety; the policy of distributing the revenues of the country among the different banks, without taking into consideration the squabbles of those institutions. No matter what the government do with these monies, difficulty will stare them in the face. Partiality will be charged against them if they favor one bank. Inasmuch as it had not been shewn that any public injury had arisen from the mode of policy adopted by the late government under this subject, he (Mr. F.) did not think they were entitled to the serious accusations preferred against them by some honorable members. The House should not throw upon a committee the responsibility of devising a new system. This administration should pursue the course taken by the late administration⁶⁵, especially as the house had been informed that it was the intention of the present government to follow out all the policy of the late government.⁶⁶ The opposition of Lower Canada members this evening had been unjust after their promises to the ministry.⁶⁷

MR. CARTIER dit que quoique l'Inspecteur-général ne s'oppose pas au comité, il ne s'en suit pas qu'il veuille se soustraire à la responsabilité de sa position dans le gouvernement. La discussion lui fait souvenir de ce qui se passait dans les Etats-Unis pendant l'administration du président Jackson. Jackson ruina la banque des Etats-Unis, et après ce coup le trésor public fut déposé dans les diverses banques par tout le pays. Mais Van Buren lui-même, quoiqu'il fut le disciple de Jackson, se trouva obligé de changer le système nouveau, et aujourd'hui les deniers publics sont gardés dans quelques trésoreries qui appartiennent au gouvernement.⁶⁸ If a committee were appointed they should take into consideration the system which existed in the United States.⁶⁹

MR. INSP. GEN. CAYLEY said the hon. member for Lambton had opposed the appointment of a committee on the ground that such a course was a shirking of responsibility by the government. Notwithstanding that charge, he thought that a committee should above all things be granted, as the best course that could be taken to settle the question. If the house, by a resolution dictated to the government what course they should follow, that clearly would be to exonerate the government from all results of their taking that course. But for the government to recommend some course after a committee of enquiry had fully sifted the whole subject, could not with any propriety be called a shirking of responsibility. That was the course taken in England in the appointment of the Bullion Committee of 1810,⁷⁰ [which] was moved for by a member of the Opposition⁷¹, and the same course was taken thirty years afterwards by Sir Robert Peel, when the question of renewing the charter of the Bank of England was under consideration.⁷² (Mr. Cayley referred to observations made by Sir Robert Peel in 1844, upon addressing a similar committee, tending to shew that after full enquiry had, and all information obtained, the Ministers of the Crown, would be called upon to take the most expedient course.) That committee in the House of Commons was appointed by an independent member of the House and the committee's report was afterwards rejected, but this practice in government to shew, that it would at all event be premature to urge the government to a decision without having the committee's report.⁷³ He,

then read from the Journals to show that the government of which he was Inspector General, in 1847, undertook new public works to the extent of only £450,000.⁷⁴ The honorable member for Lambton was however disposed to press the question of responsibility to its uttermost limits, but he (Mr. C.) claimed indulgence for the administration to have enquiry made.⁷⁵

MR. BROWN opposed the government proposition to appoint a committee, and contended that such a course was unusual and improper. What was the case brought forward by the honourable Inspector General to justify the course he was now taking? Why, the case of Sir Robert Peel in his celebrated proposal as to the Bank of England charter of 1844,--a proposal to change the whole banking system of the country. Was that case to be compared with the simple question now before the House where the government would deposit the surplus funds of the country, amounting to £50,000, or £100,000, or £200,000, and which ought certainly never to be more? The honourable gentleman referred also to the case of the famous bullion committee of 1810, to which, a question of momentous interest had been submitted. Was that a case to test the matter before the house with? That was a question of grave doubt with all parties, and one which necessarily required evidence as to facts before it could be properly decided; but the question now before the House was one of more administrative policy, which should properly be determined by the government themselves--under the correction of this House.⁷⁶ The honorable Inspector General only wanted to throw that responsibility upon the committee, and shirk it himself.⁷⁷

MR. AT. GEN. J.A. MACDONALD.--The ministry being responsible for the safe custody of the government funds, should be unfettered as to the way in which they think right to place them, because the moment that there is any dictation in or out of the House upon that point, the responsibility ceases--that was the principle. How could the honorable mover make out a case here? He had not done so, nor could he. He might be right in his co[n]clusions that he came to as to the propriety of the late Inspector General adopting the present system, but it was necessary that before any step is taken, the necessary information should be in the power of the House. Now the House had none before it. No enquiry made by the government would prove satisfactory to the House, for it had no power to bring bankers or other witnesses before them. The only way to act would be to appoint a committee of enquiry in order to procure the evidence of bankers and merchants.⁷⁸ He defended the analogy of the case cited by the Inspector General to those present⁷⁹. There was no desire of the administration to evade responsibility--they simply wanted enquiry. There was no way of the government shirking responsibility by throwing it upon the committee.⁸⁰

MR. HINCKS rose to propose an amendment to the motion of the hon. member for Montreal, the mover. Hon. members were mistaken in arguing the question as if the object of the government was to shift the responsibility from the government. He (Mr. Hincks) candidly confessed, that although he was going to move for this Committee, that he attached very little importance to what might emanate from that Committee, but he merely wished to obtain for the benefit of the House, the evidence which might be brought before this Committee, given by experienced men in Banking matters. The object of the Committee appointed upon the subject of the Bank of England Charter that had been first alluded to, was, to get the evidence of men of experience on these matters. So with regard to the Committees which sat upon Railroads in England.⁸¹ En Angleterre une opposition penserait que le gouvernement lui aurait fait une concession très considérable en consentant à nommer un comité. Mais il voit clair[ement] que l'opposition ne veut pas d'enquête; elle veut mettre le gouvernement dans un dilemme pour en tirer quelque

avantage.⁸² But it must have struck the House, that throughout the whole of this discussion, every member who has complained of the present system pursued has been afraid to face enquiry⁸³.

Cries of oh, no--from the opposition.⁸⁴

MR. HOLTON was not opposed to a Committee.⁸⁵

[MR. HINCKS continued:] Yes they wanted to throw all responsibility upon the government. The object in fact seemed to be, to make this a party struggle--not to do that which would be beneficial to the country, but to endeavor to get the government into a corner.⁸⁶ It was difficult to know what were the opinions of gentlemen opposite; who was their leader or anything about them. The honorable members for Lambton, Sherbrooke and Montreal (Mr. Young) had opposed a committee.⁸⁷ The hon. gentleman concluded, by giving a challenge to the hon. mover and the member for Sherbrooke to join with him (Mr. Hincks) as a Committee, to have the whole thing tested, and for the House to examine their report, and determine thereon what to do in the matter. Mr. Hincks then moved in amendment. That a select Committee be named to enquire into the effect which has been produced on the commercial interests of this Province by the system of keeping the public deposits in one of the chartered Banks, with power to send for persons, papers, and records, and to report thereon, and that the said Committee consist of the hon. Mr. Cayley, Mr. Cauchon, Mr. Galt, Mr. Holton, and the mover.⁸⁸

MR. FERRES--Thought that the best way to find out whether the present system adopted by the government was an evil one was, to appoint the committee, which was a fair one. But it was not expedient to keep so large an amount of revenue in one Bank: it would be better to extinguish a portion of the public debt.⁸⁹

MR. HOLTON.--L'ex-Inspecteur-général a déversé sur l'opposition une vertueuse indignation parce qu'elle s'est opposé[e], selon lui, au comité qu'il veut nommer.⁹⁰ This was a matter of policy to which the government were bound to have an opinion of their own. It was a question, not of fact, but of opinion, and, therefore not a suitable subject for a committee of enquiry but, if the government expressed a desire for a committee he would not oppose it.⁹¹ Tout ce qu'il veut, c'est que le gouvernement prenne sur lui la re[s]ponsabilité de dire, ou qu'il veut avoir un comité, ou qu'il désire un délai pour considérer ce qu'il doit faire dans les circonstances.⁹² If the Inspector General would propose a policy of his own, he would withdraw his motion. As the Inspector General had been in office before, it would be reasonable to suppose that he had a policy of his own; but he had discovered that the late Inspector General was the ablest of financiers; and by now adopting his policy he virtually admitted that his own opposition, continued for seven years, was of the most factious and unreasoning kind.⁹³ L'Inspecteur-général semble être très aise de la suggestion de M. Hincks, d'un comité qui puisse le soustraire à la difficulté où il se trouve; et le fait parce que la politique à laquelle il s'est opposé et celle qu'il se trouve maintenant forcé de soutenir, est la même. Pourtant on ose encore dénoncer les messieurs de ce côté parce qu'ils s'y opposent toujours.⁹⁴

MR. INSP. GEN. CAYLEY--Repelled the charge. The hon. member for Montreal (Holton) had no right to make this insinuation, as he (Mr. H.) had stated in opening his motion, that his (Mr. H.'s) opposition to the administration was not of a factious character. He (Mr. C.) had on more occasions than one condemned the course pursued by the hon. member for Renfrew, & he gave his reasons for it, especially in regard to the hon member for R.'s measure to increase taxation & duties; therefore he (Mr. C.) took it that he really had not made that factious

and unreasoning opposition which the hon. member for Montreal attributed to him. He (Mr. Cayley) did admire the conduct of the hon. member for Renfrew in his (Mr. Hincks') financial position.⁹⁵ On the point of policy, he had reserved his opinion till he should have time fully to consider the question.⁹⁶

MR. FERRES rose to repudiate an allusion made by the hon. member for Renfrew to him (Mr. F.) to the effect that he (Mr. F.) was influenced by party motives in his opposition.⁹⁷

MR. HINCKS denied having so charged.⁹⁸

MR. FERRES--Was glad the hon. member for Renfrew had the decency to withdraw it.⁹⁹

MR. BROWN was not a little amused to hear hon. gentlemen opposite getting up and twitting this (his) side of the House with partisan feeling, and not being harmonious in their views. He did not think that this came very well from gentlemen who could scarcely agree on one public question, and who had again and again during the present session, been compelled to take refuge in committees, for no other reason but to hide the differences of opinion that existed among them and shirk responsibility. (Hear, hear) It was apparent that such was precisely their position in this bank deposit matter. For years past, many of the gentlemen opposite and especially some of those now sitting on the Treasury benches had declaimed against the system of keeping all the public money in one bank as unjust to other institutions and injurious to the public interest. Readily would these hon. gentlemen adopt the motion of his hon. friend from Montreal--but there was a difficulty. The hon. member for Renfrew (Mr. Hincks) whom lately they so bitterly denounced now sat on the same benches with them--nay kept them in office--and he would not permit any change to be made. (Hear, hear.) The hon. Inspector General and his colleagues were in a most unhappy position--there they sat between two fires humming the old tune--

"How happy could I be with either

Were I 'other dear charmer away!"

(Hear, hear and laughter.) They could not vote against the motion of Mr. Holton without denying all their past declarations and offending the mercantile interest; they could not vote for it without bringing down on their unfortunate heads the wrath of the Ex-Inspector General; and so--and so they fell back on the old non-committal refuge of a Committee of Inquiry. (Hear, hear.) A precious set of people, truly, these were to twit others with want of harmony. And it was not on this question merely that responsibility had been shirked in the same fashion, but on almost every troublesome matter that had come up since the session opened. Aye, sir, even the internal management of public departments, with responsible ministers at their head had been coolly turned over to these committees. What have we witnessed within the last few days? Why, first a committee appointed to inquire into the manner in which the gallant knight from Hamilton, conducts the Bureau of Agriculture with all its interesting departments of fat and lean kine, new seeds, and so forth. (Hear, hear.) A few days later, we saw a committee appointed to find out how the hon. member who sits beside the gallant knight (Mr. Morin) conducts the Crown Lands Department and manages the Crown timber. (Hear, hear.) A few days later, a committee was granted to overhaul the department of the Inspector General (Mr. Cayley) and inquire as to the manner in which his office is conducted, (Hear, hear) and then sir to cap the climax, we had the strange spectacle of the Solicitor General West rising in his seat to propose a Committee of Inquiry into the jobs of the Ministry (hear, hear.)--not into specified charges against any specified individual--but a commission of roving inquiry as to their

misdeeds generally, (hear, hear and laughter,) and the departments have thus been placed under Commission. We are now to have new committees to inquire into minute points of the public service; the Inspector General, it seems, has not fortitude enough to decide how his Bank account should be kept and a committee must determine for him! (Hear, hear) Did ever a Government stand in so humiliating a position? They dare not take a bold stand on any one question--they have two parties to please--they stand on a volcano--they tremble at their own shadows. (Hear, hear.) The most amusing part of this Bank question was, the curious refinement in non-committalism which the Inspector General had exhibited. When my hon. friend (Mr. Holton,) made his motion, the Inspector General would not say yes, he would not say nay, he would not even ask him to consider--he would submit all to the House and hinted at a committee. A little later in the debate, the member for Renfrew receives a hint and comes to the rescue of his successor, and gives a quiet rub to his ally, moves for a committee, by telling us that the opposition should be well content with that, for in the House of Commons it would be held as a victory over the Ministry. (Hear, hear.) The ex-Inspector General undoubtedly stated the case correctly and if the Finance minister will only define his position, will only stand up and declare that the question is too weighty for him to decide, that he desires us to grant him a committee, I am very confident that this side of the House will rest content.¹⁰⁰

MR. HINCKS dit qu'au lieu de vouloir tirer l'Inspecteur-général d'une difficulté, il craignait qu'on n'accorderait pas un comité, et c'est pour cela qu'il y insiste.¹⁰¹

MR. BROWN.--Très bien. On vient de blâmer l'opposition parce qu'on disait qu'elle ne désirait pas un comité¹⁰². But what does the Ex-Inspector tell us with all this?--Why that this committee of which so much is made is utterly valueless. (Hear, hear)--that he (Mr. Hincks) would not give a straw for its decision--he knows all about it now; what a compliment to his new ally the present Inspector General! (Hear, hear, and laughter,) what a delightful contrast between the knowledge, the wisdom, the experience of the Inspectors, past and present. After such a declaration let the Hon. gentleman press for his committee if he sees fit. One thing in the present debate must have been particularly pleasing to the house--for his own (Mr. Brown's) part, he was charmed with it. He alluded of course, to the eulogy passed by the present Inspector General on the financial abilities, projects, and successes of the late Inspector General (Hear, hear and laughter.) It was really delightful after all the past declarations of the hon. gentleman--after the attacks of his colleagues on the various schemes of the member for Renfrew--after the assaults of the conservative press for a series of years--after the speech which must yet ring in the ears of the electors for Huron--these flowing compliments did certainly sound strange, and it was only to be regretted that they could hardly be freed from the suspicion which might attach to them of conciliating a dangerous subject by stroking him down. For one, he could not say that the hon. gentleman's (Mr. Cayley's) laudations had produced much effect on his (Mr. Brown's) mind. He confessed he still thought, as the hon. gentleman's colleagues did last Parliament, that the financial schemes of the hon. member for Renfrew had been singularly unsuccessful and far from advantageous to the public interest.¹⁰³ L'ex-Inspecteur-général ne peut pas se souvenir de ce qu'il disait lorsqu'il était dans l'opposition; mais ses collègues peuvent-ils aussi oublier tout ce qu'ils disaient? Le Solliciteur-général ne se souvient-il pas de l'affaire du canal de Beauharnois.¹⁰⁴

MR. SOL. GEN. H. SMITH (Frontenac).--Je ne m'en souviens pas; mais je me souviens de ce qu'a reçu le membre pour Lambton de l'affaire du pénitencier.¹⁰⁵

MR. BROWN.--Très bien! mais vous ne convenez pas que je n'y ai jamais entre-tenu mes chevaux.¹⁰⁶

MR. SOL. GEN. H. SMITH.--Si mes chevaux y ont été, il y en a d'autres dont les ânes y ont été.¹⁰⁷

MR. FOLEY.--C'est une remarque digne d'un Solliciteur-général!¹⁰⁸

MR. BROWN.--Le Solliciteur-général devrait être le dernier à parler du pénitencier. C'est un parent très proche de ce monsieur qui était à la tête de cette institution, lorsqu'on donnait tous les ans des milliers de coups de fouet aux malheureux qui y étaient enfermés, et qu'on dépensait des centaines de mille louis sans en rendre compte.¹⁰⁹ Mr. Brown went briefly into an explanation of the manner in which the late Inspector had increased the revenue and showed the sums which had been unnecessar[i]ly drawn from the people and squandered on objects undeserving of support--used unscrupulously as means of corruption. He concluded by saying that it argued ill for the future course of the new Inspector General when he commenced his career by eulogizing a system which had entailed upon the province more waste and extravagance than had ever before been known in it.¹¹⁰

MR. SICOTTE the SPEAKER.--A l'ordre!¹¹¹

MR. AT. GEN. J.A. MACDONALD said that a more improper--more ungentlemanly, nay, unparliamentary speech than that of the hon. member for Lambton he had never heard. It was not true, as the hon. member contended, that referring this matter to a Committee destroyed the responsibility of the government; but the government were desirous of having the information that would be elicited before a Committee. Then, who was that hon. gentleman that lectured his hon. friend (Mr. Cayley) for expressing admiration of the talents of the late Inspector General?--That kind of taunt came worse from the hon. member for Lambton than any other member of the House. There was a time¹¹², till 1849,¹¹³ when that gentleman had a high opinion of the hon. member for Renfrew: there was a time when in his newspaper he applauded him to the skies, echoed his every sentiment, and supported his (Mr. Hincks') every measure; and now, forsooth, he taunts his (Mr. M.'s) hon. friend for a mere expression of respect for the talents of the gentleman whom he had formerly so highly praised! That hon. member continued his laudation in his newspaper until he was cut adrift by the late Inspector General and his party, because he demanded too much for his services (hear, hear,) and because whatever might be the value of those services they were not thought to be worth quite so much as the hon. member demanded for them.¹¹⁴

MR. INSP. GEN. CAYLEY did not think that it was worth while for his hon. friend the Attorney General to reply with quite so much earnestness to the speech of the hon. member for Lambton. That hon. member had cited a couplet of poetry, which suggested another to him (Mr. C.) which was much more appropriate:--

Whoever dares these boots displace

Must meet Bombastes face to face! (Laughter.)

Such was the idea the hon. member for Lambton suggested to him both from his manner and his speech. All that he (Mr. C.) had done to bring down such a burst from the hon. member was to venture to say that he admired the talent of the late Inspector General. With respect to the committee, he said that he would in the first place have preferred to take his own course; but he did not pretend to any such enormous decision of character, as to say that he would reject all advice and all enquiry. On the contrary he desired all the information that could be got before making up his mind. He denied that the Committee would take away

the responsibility of the government; and complained that the opposition was factious.¹¹⁵

MR. A. DORION dit que c'est la politique du côté ministériel de dire dans toutes les occasions que les procédés de l'opposition sont factieux. On l'a dit l'autre jour, quoiqu'on fut obligé le jour suivant d'adopter l'opinion de l'opposition même. Aujourd'hui il s'agit d'une question qu'on a beaucoup débattue, et que les Chambres de Commerce ont amenée plus d'une fois devant la Chambre, et sur laquelle les commerçants de Québec viennent de faire des réclamations. Tous les journaux de la province ont aussi exprimé une opinion contre le système actuel de déposer tout le trésor public dans une seule banque. Mais après tout cela il semble qu'il y a des messieurs qui demandent une enquête. N'a-t-on pas déjà l'avis des messieurs les mieux qualifiés? Il est donc étonnant d'entendre dire à l'Inspecteur-général, qu'ils craignent une enquête. Ce monsieur a fait une enquête avant de changer le système qui existait alors.

Le gouvernement, d'après son opinion, doit prendre sur lui la responsabilité d'un acte qui est purement administratif, et qui ne ressemble nullement au cas où Sir R. Peel fit nommer un comité. Alors il s'agissait non pas d'un acte administratif, mais d'un acte législatif, et il était nécessaire de procurer des renseignements pour l'usage du parlement. Dans le cas actuel on connaît tous les faits, et tout homme versé dans les affaires peut bien dire s'il vaudrait (sic) mieux pour le commerce que le trésor soit tout dans une banque ou dans plusieurs. Quant à la faveur que le membre pour Renfrew prétend trouver dans la concession d'un comité, il (M. Dorion) pense que le gouvernement est endetté à ce monsieur pour le moyen qu'il a trouvé de le sauver d'un vote direct sur la question--un vote qu'il désire éviter.¹¹⁶

MR. HINCKS.--Je retirerai donc l'amendement et je laisserai aller la proposition.¹¹⁷ Let the hon. member take a vote.¹¹⁸

MR. A. DORION.--Faites comme il vous plaira.¹¹⁹

MR. ROBINSON contended that Mr. Hincks desired the Committee to satisfy the House of the correctness of his course if he could.¹²⁰

MR. GALT said he had no doubt his hon. friend from Montreal would withdraw his motion if the hon. Inspector General stated that he desired more time.¹²¹

MR. MERRITT would not give a straw for the responsibility of the Ministry. He was in favor of the committee. To refuse it would be to make the Ministry more absolute than they now are.¹²²

Mr. Hinck's (sic) amendment was agreed to without a division.¹²³

(207)

The Honorable Mr. Hincks moved in amendment to the Question, seconded by Mr. Sidney Smith, That all the words after "That" to the end of the Question be left out, and the words "a Select Committee composed of the Honorable Mr. Cayley, Mr. Cauchon, Mr. Galt, Mr. Holton, and the mover, be appointed to inquire into the effect which has been produced on the Commercial interests of this Province by the system of keeping the Public Deposits in one of the Chartered Banks, to report thereon with all convenient speed; with power to send for persons, papers, and records" inserted instead thereof;

And the Question being put on the Amendment;--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That a Select Committee, composed of the Honorable Mr. Hincks, the

Honorable Mr. Cayley, Mr. Cauchon, Mr. Galt and Mr. Holton, be appointed to inquire into the effect which has been produced on the Commercial interests

(208)

of this Province by the system of keeping the Public Deposits in one of the Chartered Banks, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. AT. GEN. DRUMMOND introduced the Seigniorial Tenure bill. He would have gone on with his resolutions that night, but the printer had disappointed him, and he was unable to lay them before members.¹²⁴ [Il] déclara que l'intention du Gouvernement était de faire marcher cette mesure de pair avec celle qui a rapport aux Réserves, et la seconde lecture des deux bills a été fixée à mardi prochain le 24 octobre¹²⁵.

(208)

Ordered, That Mr. Attorney General Drummond have leave to bring in a Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Provincial Statute 25 Geo. 3 cap. 2.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Terrill have leave to bring in a Bill for the removal of doubts and to explain the Provincial Statute 12 Vic. cap. 42.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Laberge have leave to bring in a Bill to authorize the bringing of Actions by or against Inspectors and Overseers of Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Laberge have leave to bring in a Bill to indemnify Inspectors and Overseers of Roads in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Resolved, That during the remainder of the Session, this House will, on Mondays and Thursdays, take up the Orders of the day at Seven o'clock in the afternoon, unless the Notices of Motions are previously disposed of.

Ordered, That Mr. McKerlie have leave to bring in a Bill to repeal the Act 13 & 14 Vic. cap. 74, intituled, "An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied and engaged by them from trespass and injury."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

Monday next.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find the Notices in each case sufficient, viz:--Of the Megantic Junction Railway and Navigation Company; of the Hamilton and Toronto Railway Company, and others; and of George Duck, junior, and others, the Board of School Trustees of the Town of Chatham.

The Petition of R.S. Tylee and others, on behalf of the Montreal Dispensary,

(209)

praying for an Act of Incorporation, is not, in the opinion of Your Committee, of such a nature as to require the publication of Notice.

A Bill to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the object of the trust, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Clarke do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Masson College of Terrebonne, being read;

On the motion for the third reading of the Bill to incorporate Masson College,¹²⁶

MR. BROWN said that as a full discussion of the Bill had taken place the night before last, he did not wish to renew it. But he and his friends desired to record their votes against the Bill.¹²⁷

(209)

Mr. Prévost moved, seconded by Mr. Papin, and the Question being put, That the Bill be now read the third time; the House divided: and the Names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bellingham, Biggar, Blanchet, Bourassa, Bowes, Bureau, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Crysler, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gill, Hincks, Jackson, Laporte, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Merritt, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Papin, Patrick, Prévost, Robinson, Roblin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Valois, Yeilding, and Young.--(66.)

NAYS.

Messieurs Bell, Brown, Daly, Fergusson, Ferres, Ferrie, Gould, Hartman, Larwill, Lumsden, McKerlie, Matheson, Mattice, Somerville, and Wright.--(15.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the College Masson at Terrebonne["].

Ordered, That Mr. Prévost do carry the Bill to the Legislative Council, and

desire their concurrence.

The Order of the day for the second reading of the Bill to repeal certain parts of the Ordinances relative to Winter Roads in Lower Canada, in so far as regards the District of Montreal, being read;

Ordered, That the Bill be read a second time on Thursday the second day of November next.

(210)

The Order of the day for the second reading of the Bill to amend the Naturalization Laws of this Province, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to prevent the traffic in alcoholic and intoxicating Liquors, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to abolish the Rec-tories, being read;

Ordered, That the Bill be read a second time on Thursday the second day of November next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall, being read;

Ordered, That the Bill be read a second time on Thursday the second day of November next.

The Order of the day for the second reading of the Bill to amend the Law of Upper Canada with respect to the solemnization and registration of Marriages, being read;

Ordered, That the Bill be read a second time on Thursday the second day of November next.

The Order of the day for the second reading of the Bill for the relief of a Religious Congregation at Montreal denominated the German Evangelical Church, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to provide in a more certain manner for order in enregistration and searches in the Registry Offices of Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Committee appointed to enquire concerning the operation of the Registry Ordinances or Laws.

The Order of the day for the second reading of the Bill to incorporate the Sorel, Drummondville, and Richmond Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the

St. Michael's College in the City of Toronto, being read;

Mr. Bowes moved, seconded by Mr. Cauchon, and the Question being proposed, That the Bill be now read a second time;

MR. FOLEY hoped that the measure would be postponed, until members had time to make themselves acquainted with its provisions.¹²⁸

MR. BOWES would not postpone it, but intended after it was read a second time to move that it be referred to the Committee on Private Bills, which he hoped would be done without discussion.¹²⁹

MR. BROWN rose amidst loud cries of "question, question," to say a few words on the bill, which he said was to incorporate the Roman Catholic Bishop of Toronto and other ecclesiastics of the same denomination into a college, the Roman Catholic Bishop having power to appoint successors to the parties now to be incorporated. This bill would empower them to hold real estate to the amount of £2,000 a year. It was essentially an ecclesiastical corporation,--begged to move that it be read that day six months.¹³⁰

Several members appeared desirous of speaking on the amendment, but were assailed by loud cries of "question, question," "carried."¹³¹

MR. BROWN rose to order. He said he thought these constant cries of "question" whenever a priest bill came up were most indecorous. He and his friends from Upper Canada were pledged to certain principles, but, because they happened to be in a country where their views were not sympathised with, was it fitting that they should be prevented from expressing their sentiments by noise and clamour?¹³²

MR. BOWES said a few words in favour of the bill, which, he said, was opposed in this House out of a mere sectarian feeling, which he did not think the House would support. He had as strong Protestant feelings as the members who opposed the bill, but he thought that equal justice should be meted out to Roman Catholics in Upper as well as in Lower Canada. It had been stated on a former evening that £90,000 a year had been invested in lands by these institutions, representing a capital of £1,500,000. He took down the words at the time from the mouth of the honourable member for Missisquoi.¹³³

MR. FERRES denied that he had stated so. He had said that these institutions were entitled to hold lands to that amount. The honorable member said he had taken down his words. He (Mr. Ferres) had heard of words that had been taken down, which had fallen from that gentleman, and he had seen them printed in the reports of honorable assemblies in this country. He had seen a statement which that gentleman made before a committee of the city of Toronto. (Cries of order.) He did not know in what respects he was out of order. He had alluded to public documents issued by courts of law in this country, and he thought he had a right to allude to them.¹³⁴

MR. BOWES, (deprecatingly.) The honorable gentleman knows that I did not attack him at all.¹³⁵

MR. SICOTTE the Speaker, considered that the honorable member for Missisquoi was wandering from the question.¹³⁶

MR. FERRES.--I am as little disposed as any member of this House to wander from the question, but when I find an honorable gentleman saying that he took down words from my lips which I never uttered, when the whole bearing of my remarks gave the contradiction to what he said he took down from my lips, I have

a right to doubt that gentleman's accuracy, and I have a perfect right to express that doubt. That is my opinion, but if you, Mr. Speaker, are of a different opinion, I bow to your decision.¹³⁷

MR. DALY, MR. FERRIE, MR. HOLTON, and other members having spoken shortly against the principle of mortmain, embodied in the Bill, the motion was lost on a division, and the Bill was read a second time.¹³⁸

(211)

Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Then, on motion of Mr. Solicitor General Smith, seconded by Mr. Valois, The House adjourned until Monday next.¹³⁹

APPENDIX: 20 OCTOBER 1854.

[WITHDRAWN MOTION RE: MR. COUNTER'S PETITION.]

MR. LANGTON moved the reference of the petition of Mr. Counter to a select committee.¹⁴⁰

MR. COM. PUB. WORKS CHABOT explained the difficulties which Mr. Counter had experienced after he had assumed the work from the original contractors. The government had not considered it their duty to grant him, (Mr. Counter) the relief he prayed for, but he assured the hon. member for Peterboro, if Mr. Counter completed his contract, which he believed he was prepared to do, the government would give to his case the favorable consideration which it deserved.¹⁴¹

MR. LANGTON on that assurance would withdraw his motion.¹⁴²

Motion withdrawn.¹⁴³

FOOTNOTES: 20 OCTOBER 1854.

1. GLOBE, 27 October 1854.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. MORNING CHRONICLE, 24 October 1854. SHERBROOKE GAZETTE, 28 October 1854, comments: "On Friday, in default of government business, the Ministry permitted Mr. Holton to move his resolution against the policy of keeping all the government funds in one bank. Friday, as well as Tuesday, is a day devoted to ministerial measures. As they had no measures ripe, they permitted the House to amuse themselves upon this question." MONTREAL GAZETTE, 24 October 1854, notes: "Mr. Holton ... made what may be called his 'maiden speech' in Parliament, in support of his motion; and he did very well. Without any verbiage or waste of time, he clearly and succinctly explained to the House the grounds on which he acted; and he was listened to with attention."
9. MONTREAL GAZETTE, 24 October 1854. GLOBE, 26 October 1854, described the scene thus: "The Hon. official Inspector General (I call him the official one to distinguish him from the political one) made a most singular explanation. It opened with a curious excuse for the declining condition of the public finances under the family compact rule. I entered the House just as he was expressing his determination to benefit by the example set on the part of his predecessors--never to be too economical, and keep always an overflowing treasury out of which to pay supporters. He would not again suffer the chest to get so low as to leave his ministry unable to maintain the necessary defendants. What the honorable gentleman lacked in argument to justify the present Government for not disturbing the pet-bank system, he endeavoured to supply by gesticulations, quotations from old songs, and by harping upon the differences between himself and the late Inspector General, as to the imposition of ad valorem and differential duties, and the scale of taxation! And all the while he was foundering about with this pet banking system fastened to his leg and riveted there by the terms of coalition, Mr. Hincks sat in his place with his handkerchief crammed into his mouth to smother something, I do 'nt (sic) know exactly what, or whether he was suffering from a spasmodic attack of the tooth-ache--but there he crouched evidently amused with the embarrassment of this chief colleague of his over obliged nominees, Sir Allan McNab and Mr. John A. Macdonald."
10. GLOBE, 27 October 1854.
11. MORNING CHRONICLE, 24 October 1854.
12. GLOBE, 27 October 1854.
13. MORNING CHRONICLE, 24 October 1854.
14. GLOBE, 27 October 1854.
15. MORNING CHRONICLE, 24 October 1854.
16. GLOBE, 27 October 1854.
17. MORNING CHRONICLE, 24 October 1854. TORONTO LEADER, 25 October 1854, refers to public works of 1851.
18. TORONTO LEADER, 26 October 1854.
19. MORNING CHRONICLE, 24 October 1854.
20. TORONTO LEADER, 26 October 1854.

21. MORNING CHRONICLE, 24 October 1854.
22. TORONTO LEADER, 26 October 1854.
23. GLOBE, 27 October 1854.
24. MORNING CHRONICLE, 24 October 1854.
25. GLOBE, 27 October 1854.
26. MORNING CHRONICLE, 24 October 1854.
27. IBID.
28. IBID.
29. IBID.
30. TORONTO LEADER, 26 October 1854.
31. MORNING CHRONICLE, 24 October 1854.
32. IBID.
33. GLOBE, 27 October 1854. MONTREAL GAZETTE, 24 October 1854, states: "Mr. Hincks made a very energetic speech in defence of his policy: he spoke with more than his usual vehemence and earnestness; and clearly made an impression on the House."
34. MORNING CHRONICLE, 24 October 1854.
35. IBID.
36. IBID.
37. GLOBE, 27 October 1854.
38. MORNING CHRONICLE, 24 October 1854.
39. GLOBE, 27 October 1854.
40. MORNING CHRONICLE, 24 October 1854.
41. GLOBE, 27 October 1854.
42. MORNING CHRONICLE, 24 October 1854.
43. GLOBE, 27 October 1854.
44. MORNING CHRONICLE, 24 October 1854. TORONTO LEADER, 26 October 1854, again refers to public works of 1851.
45. MORNING CHRONICLE, 24 October 1854.
46. GLOBE, 27 October 1854.
47. MORNING CHRONICLE, 24 October 1854.
48. IBID.
49. GLOBE, 26 October 1854.
50. LE PAYS, 26 October 1854.
51. MORNING CHRONICLE, 25 October 1854.
52. TORONTO LEADER, 27 October 1854.
53. MORNING CHRONICLE, 25 October 1854.
54. LE PAYS, 26 October 1854.
55. MORNING CHRONICLE, 25 October 1854.
56. TORONTO LEADER, 27 October 1854.
57. GLOBE, 27 October 1854.
58. LE PAYS, 26 October 1854.
59. MORNING CHRONICLE, 25 October 1854.
60. LE PAYS, 26 October 1854.
61. MORNING CHRONICLE, 25 October 1854.
62. LE PAYS, 26 October 1854.
63. MORNING CHRONICLE, 25 October 1854.
64. GLOBE, 27 October 1854.
65. MORNING CHRONICLE, 25 October 1854.
66. GLOBE, 27 October 1854.
67. MORNING CHRONICLE, 25 October 1854.
68. LE PAYS, 26 October 1854.
69. MORNING CHRONICLE, 25 October 1854.

70. GLOBE, 27 October 1854.
71. TORONTO LEADER, 27 October 1854.
72. GLOBE, 27 October 1854.
73. MORNING CHRONICLE, 25 October 1854.
74. TORONTO LEADER, 27 October 1854.
75. MORNING CHRONICLE, 25 October 1854.
76. GLOBE, 27 October 1854.
77. MORNING CHRONICLE, 25 October 1854.
78. IBID.
79. TORONTO LEADER, 27 October 1854.
80. MORNING CHRONICLE, 25 October 1854.
81. IBID.
82. LE PAYS, 26 October 1854.
83. MORNING CHRONICLE, 25 October 1854.
84. IBID.
85. TORONTO LEADER, 27 October 1854.
86. MORNING CHRONICLE, 25 October 1854.
87. TORONTO LEADER, 27 October 1854.
88. MORNING CHRONICLE, 25 October 1854.
89. IBID.
90. LE PAYS, 26 October 1854.
91. GLOBE, 27 October 1854.
92. LE PAYS, 26 October 1854.
93. TORONTO LEADER, 27 October 1854.
94. LE PAYS, 25 October 1854.
95. MORNING CHRONICLE, 25 October 1854.
96. TORONTO LEADER, 27 October 1854.
97. MORNING CHRONICLE, 25 October 1854.
98. IBID.
99. IBID.
100. GLOBE, 27 October 1854. MORNING CHRONICLE, 25 October 1854, notes: "The hon. member continued for some time in this strain, and in the course of his remarks an altercation took place between him and Mr. Sol. General Smith in reference to the Penitentiary Commission, the end of which was an appeal to order; the Speaker decided that the digression was out of order."
101. LE PAYS, 26 October 1854.
102. IBID.
103. GLOBE, 27 October 1854.
104. LE PAYS, 26 October 1854.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. GLOBE, 27 October 1854.
111. LE PAYS, 26 October 1854.
112. MORNING CHRONICLE, 25 October 1854.
113. TORONTO LEADER, 27 October 1854.
114. MORNING CHRONICLE, 25 October 1854.
115. IBID.
116. LE PAYS, 26 October 1854.
117. IBID.

118. TORONTO LEADER, 27 October 1854.
119. LE PAYS, 26 October 1854.
120. MONTREAL GAZETTE, 25 October 1854.
121. IBID.
122. TORONTO LEADER, 27 October 1854.
123. GLOBE, 27 October 1854.
124. MORNING CHRONICLE, 25 October 1854.
125. LE PAYS, 24 October 1854.
126. GLOBE, 27 October 1854.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. GLOBE, 27 October 1854, notes: "The House then adjourned about midnight."
140. MORNING CHRONICLE, 25 October 1854.
141. IBID.
142. IBID.
143. IBID.

(211)

MR. SPEAKER informed the House, That the Serjeant-at-Arms had (with his approbation) appointed William C. Burrage, Esquire, to act as his Deputy, during the period of his leave of absence.

Mr. Speaker laid before the House, Returns from the Registrars of the Counties of Norfolk and Kent, and of the United Counties of Huron and Bruce, received in pursuance of the Order of this House of the 14th September last.

For the said Returns, see Appendix (Z.)

And also, Statements of the Affairs of the Canada Life Assurance Company, to the 30th April, 1854.

For the said Statements, see Appendix (E.E.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Wright,--The Petition of John C. Ball and others, of the Township of Niagara.

By Mr. Dostaler,--The Petition of J.B. Drinville and others, of the North-east part of the Township of Brandon, and other places in the County of Berthier.

By Mr. Southwick,--The Petition of the Municipality of the Village of St. Thomas.

By Mr. Desaulniers,--The Petition of Godfrois Milot and others, of the Township of St. Maurice, County of St. Maurice.

By Mr. Blanchet,--The Petition of Charles Hébert, of the City of Quebec; the Petition of Alexis Pinet, of the City of Montreal; the Petition of Thomas Cary, of the City of Quebec; and the Petition of Flavien Vallerand.

By Mr. Jean Baptiste Eric Dorion,--The Petition of Bernard Smith and others, of the Township of Durham; the Petition of F. Irwin and others, of Durham; the Petition of Joseph Smith and others, of Durham; the Petition of Lorance Jardine and others, of Durham; the Petition of Ira Cross and others, of Durham; and the Petition of W.R. Dunkerly and others.

By Mr. Sidney Smith,--The Petition of Cobourg Division, No.9, of the Order of the Sons of Temperance; and the Petition of David Brodie and others, of the Town of Cobourg.

(212)

By Mr. Darche,--The Petition of P. Blanchet, of St. Mathias; the Petition of Damas Bourbonière and others, of the Parish of St. Bruno; and the Petition of J.P. Dubois, of the Parish of Ste. Julie, County of Verchères.

By Mr. Larwill,--Two Petitions of the Municipal Council of the County of Kent.

By Mr. Somerville,--The Petition of John Keairns and others, of the County of Huntingdon.

By the Honorable Mr. Cayley,--The Petition of the Municipality of the Township of Huron, County of Bruce.

By the Honorable Sir Allan N. MacNab,--The Petition of the Reverend J.B. Mowat and others.

By Mr. Cauchon,--The Petition of Joseph Cauchon, Esquire, and others, of the Parish of Laval, County of Montmorency, and of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas C. Keefer, of the City of Montreal; praying that a Clause may be introduced into the Bill to amend the Acts relating to the Grand Trunk Railway

Company of Canada to make that Company liable for claims against the late Montreal and Kingston, and Kingston and Toronto Railway Companies.

Of William V. Southard and others, builders; praying for the passing of an Act securing to parties contracting or building houses, a Lien upon the same until paid for according to contract.

Of William B. Imrie and others, of the Township of Edwardsburgh; of Marindia T. Adams and others, Wives, Mothers, Daughters and Sisters, of Lyn and its vicinity; of Philinea Smart and others, Wives, Mothers, Daughters and Sisters, of the Town of Brockville; of Cephas H. Miller and others, of the Villages of Newburgh, Clark's Mills, and vicinity; of John McDonald and others, of the Village of Gananoque, and others; and of Samuel Hills and others, Sons of Temperance, and others; praying for the passing of a Prohibitory Liquor Law.

Of the Catholic Institute of Perth; praying that the Common School Act may be so amended as to provide for the maintenance of Separate Schools, and that they may have a share of the funds arising from the disposal of the Clergy Reserves.

Of the Reverend G.S. Marceau and others, of the Parish of St. Simon; praying aid for the construction of a Wharf at the said Parish.

Of the Municipality of the Township of Waterloo; praying that a residence of three years may be enacted as the time necessary for the naturalization of Foreigners coming to this Province.

Of William Mountain, of the Town of William Henry or Sorel; praying indemnification for loss sustained by the burning of his Grist Mill by incendiaries while he was on duty during the Rebellion of 1837.

Of the Municipal Council of the United Counties of Leeds and Grenville; praying for the repeal of the Common School Act of Upper Canada, or otherwise that the said Counties may be relieved from its operations, and that the said Council may have the control of Common Schools therein.

Of P.E. Adams and others, Stockholders of the Provincial Insurance Company of Toronto; praying for certain amendments to the Act incorporating the said Company.

Of the Reverend Francis Evans and others, Clergymen of the United Church of England, and Ireland of the Diocese of Toronto; representing that they took charge of their respective Missions on the assurance that they should receive a certain amount of salaries; that the faith of Government was given for the payment thereof, but that owing to circumstances a certain amount thereof yet remains unpaid; and praying for justice in the premises.

(213)

Of the President and Directors of the Upper Canada Mining Comprny (sic); praying for certain amendments to their Act of Incorporation.

Of Louis Mandeville and others, of the Parish of St. Pierre de Sorel, County of Richelieu; praying for certain amendments to the Ordinances for the improvement of Winter Roads, and relating to the use of certain vehicles thereon.

Of the Municipality of the Township of East Zorra; praying that the North side line of the said Township may be placed at the disposal of the Township Council in order to the sale thereof, and that the proceeds may be devoted to the improvement of Roads in that Township.

Of the Regular Baptist Convention of Canada; praying for the speedy passing of an Act to secularize the Clergy Reserves.

Of L. Guérin and others; praying for the abolition of the Seigniorial Tenure in Lower Canada.

Of Michel Parent and others, of St. Robert, County of Richelieu; praying for the passing of the Bill to repeal certain parts of the Ordinances relative to

Winter Roads in Lower Canada in as far as regards the District of Montreal.

Of Robert Simpson and others, of St. Andrews and neighbourhood, County of Argenteuil; praying for aid to improve the navigation of the North River at the place known as Long John's Rapids.

Of the President and Directors of the Great Western Railway Company; praying for certain amendments to their Act of Incorporation, and for the increase of their Capital Stock.

Of Fabien Blais and others, of the Township of Montminy; praying aid for a Road to open communication with the said Township.

Of Hilaire Peltier, Esquire, of the City of St. John's, Province of New Brunswick, merchant; praying that he may have the exclusive privilege of building one or more Steamers and constructing one or more Wharves on Lake Temiscouata, to promote the navigation of the said Lake.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill for the relief of a Religious Congregation at Montreal denominated the German Evangelical Church, and have agreed to a certain amendment, which they beg to submit for the consideration of Your Honorable House.

They have also examined the Bill to incorporate the St. Michael's College in the City of Toronto, and have agreed to several amendments, which they also submit for the consideration of Your Honorable House.

Ordered, That the Petition of the Reverend Francis Evans and others, Clergymen of the United Church of England and Ireland, of the Diocese of Toronto, be printed for the use of the Members of this House.

MR. S. SMITH of Northumberland moved that a message be sent to the Legislative Council, for leave to the Hon. John Ross, Speaker, and to the Hon. Messrs. James Morris and Samuel Mills, Members of their House, to be examined on Saturday next, before the Select Committee of this House, appointed to investigate all charges against the late Administration.¹

MR. MURNEY asked why the motion had not been made by Sol. Gen. Smith, who had moved the Committee and who had placed himself in the position of public prosecutor in this matter.²

MR. SOL. GEN. H. SMITH said that the hon. member for Northumberland had at a meeting of the Committee that day, been appointed Chairman, and had therefore become the organ of the Committee.³

MR. MURNEY thought the mover of the committee, Solicitor General Smith, ought to have been the Chairman, it was obvious to every man in that House, there was an understanding between the Government and the Gentleman selected, Mr. Smith, the member for Northumberland. He looked upon the organization of this committee as a matter of great importance, both private and public character, was mixed up with the questions at issue, and he should hold the Ministry (sic) responsible.⁴

MR. BROWN said it was certainly a strange circumstance that the hon. gentleman who had moved the Committee should not have been found acting as its chairman. (Hear, hear.) He thought that no man should rise up in this House and reproach a Minister of the Crown without being able to sustain his charges. The hon. gentlemen on the Treasury Benches should never have uttered the accusations they made in last Parliament if they were not prepared to substantiate them.⁵

MR. SOL. GEN. H. SMITH.--Why was not the honorable member for Lambton (sic) in his place when the Committee met, and a Chairman was appointed?⁶

MR. BROWN replied that he had attended the Committee as he supposed, in good season, but on examination it appeared that his watch was behind the time of the House and that he was a few minutes too late.⁷

MR. PRES. EX. COUN. MACNAB ... said he claimed all the responsibility of everyone he assumed. But the House had appointed the committee.--The Hon. member for Lambton was one of that committee.--The committee had elected their own Chairman and no one knew better than the Hon. Member for Lambton, they had a perfect right so to do. That Gentleman condemned the House when he objected to the committee, and not the Government. He charged Mr. Brown, purposely keeping out of the way, why was he not in the committee, it was because he wanted to make capital for the Globe Newspaper. Mr. Brown had said twice that day it would be a whitewashing committee if the Solicitor General was Chairman. He need not be afraid he should have every opportunity to pursue his charges, he should be Crown prosecutor, witness-informant, judge; he should have every facility afforded him by the Government.⁸

MR. SOL. GEN. H. SMITH thought the best evidence that could be given to the country that the Committee was not to be a mere whitewashing one, as had been alleged, was the fact of its having chosen an independent member as its Chairman. He (the Sol. Gen.) had stated at the meeting, that he had not time to attend to the duties of that office.⁹

MR. BROWN repeated that the very fact that the hon. Solicitor General should have moved the appointment of the Committee, and then at its very first meeting stated that he had not time to attend to the duties of Chairman, thereby depriving the Committee of the benefit of his eminent legal talents in sifting into the matter, Shewed that he had no real desire to enquire into the charges and moved for the Committee from other considerations.¹⁰

After some further irregular conversation, the motion was agreed to.¹¹

(213)

On motion of Mr. Sidney Smith, seconded by the Honorable Mr. Robinson, Resolved, That a Message be sent to the Honorable the Legislative Council, praying their Honors to permit the Honorable John Ross, Speaker, the Honorable James Morris, and the Honorable Samuel Mills, Members, of that House, to attend the Select Committee to which is referred the charges against the late Administration, on Saturday next, at eleven o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That Mr. Sidney Smith do carry the said Message to the Legislative Council.

On motion of MR. BOWES,¹²

(214)

Ordered, That the Bill to incorporate the St. Michael's College in the City of Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Petition of Samuel Snell, of the City of London, England, seaman, be printed for the use of the Members of this House.

On motion of Mr. Brown, seconded by Mr. Frazer,

Resolved, That an humble Address be presented to His Excellency the Governor

General, praying that His Excellency will cause to be laid before this House, copies of any Correspondence which may have passed between certain Roman Catholic Bishops and the Provincial Government in regard to the Clergy Reserves.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to amend and consolidate the Acts relating to the appointment of Reporters to the several Courts of Law and Equity in Upper Canada, and to repeal certain Acts therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of Mr. Alleyn, seconded by Mr. Blanchet,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying for the publication of the Report of the General Board of Health, for the information of the House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the time for receiving Petitions for Private Bills be further extended to the seventh of November; for receiving Private Bills to the twentieth of November; and for receiving Reports on Private Bills to the fourth of December next.

The Order of the day for the second reading of the Bill to improve the Law relating to Betterment, being read;

MR. SANBORN in moving the second reading of the bill to improve the law of Betterments, said that there was a propriety in his making some explanations of the necessity for the law that he sought. It is well known, that in the early settlement of this country, large tracts of land were granted to proprietors on condition of the actual settlement (sic) of the lands. The object of the government was benevolent. The patentees never caused settlement duties to be performed, the consequence was, that these lands came into the hands ... of absentee proprietors and minors who never caused them to be enregistered. Every encouragement was held out to settlers to occupy waste lands of the Crown. Many of the townships were not surveyed, and there were no facilities afforded for settlers to ascertain what lands had been presented, and what remained in the Crown. They entered upon lands with the expectation of being able to purchase at a future period. They cultivated the lands, and made good farms. The object of this bill, was to secure to such persons, compensation for the augmentation in value which they have occasioned to such lands. The principle is equitable. It is an exceptional law, and to some extent infringes the ordinary right of property. It is however in accordance with the spirit of the civil law. It is founded in justice and upon that maxim of our law that no one shall enrich himself by the labor of others. It is equally consonant with the spirit of the common law. The maxim "lex vigilantibus non dormientibus subveniet" is applicable to this subject.¹³ Sous l'opération de la loi actuelle, un tel propriétaire a le droit d'exproprier le squatter, en lui payant ses améliorations, mais après avoir estimé ces améliorations on fait une déduction pour les rentes et profits qu'aurait pu obtenir le propriétaire s'il avait tenu la terre entre ses propres mains, et

qu'il l'eût louée à un tenancier. Voilà ce qui est très injuste. Le squatter s'établit sur une terre qui ne vaut rien, et il y met son travail pendant dix ou peut-être vingt ans. Ensuite le propriétaire lui vient dire: payez-moi la rente de cette propriété pour toutes les années que vous y avez été. Ce propriétaire n'a rien fait pour augmenter la valeur de sa terre, il ne doit donc en retirer que telle rente qu'il aurait reçu de la terre dans l'état de friche. Le bill devant la chambre propose de remédier à cette injustice par deux moyens; premièrement en donnant au squatter le droit de garder la terre sur laquelle il serait établi, moyennant un paiement pour la terre tel que déterminé par des évaluateurs nommés à cet effet. Mais l'évaluation doit se faire à raison de la valeur de la terre dans l'état de friche. Secondement en donnant droit au squatter, en cas d'expropriation, de recevoir tout le montant de ses améliorations, déduction faite seulement de la valeur originelle de la terre, avant qu'on y eût travaillé.¹⁴ A similar law is in force in the State of Maine, Massachusetts, New Hampshire, Vermont, Virginia, Alabama, Ohio and Illinois, and Chancellor Kent in remarking upon these laws, said, "there were peculiar and pressing circumstances which were addressed to the lawgiver, and led to the passage of those statutes with reference to waste and uncultivated lands in a new country, and where the occupant was not liable to any imputation of negligence or dishonesty. The titles to such lands, had in many cases become exceedingly obscure and difficult to be ascertained, by reason of conflicting locations and a course of fraudulent expectation, and it is impossible not to perceive and feel the strong equity of these provisions." This necessity exists here from the same causes, and the bill is so framed as to secure simple justice to the occupiers, while it deprives the proprietors of nothing which they are in equity and justice entitled to. If sympathy for any class should induce the legislature to depart in any manner from the common course of legislation, it should be, to secure justice to those who have endured the hardships (sic) of a new country in reducing the forest into a cultivated field.¹⁵

MR. AT. GEN. DRUMMOND said that appeals had been made to the people on several occasions to induce them to go and settle upon the lands of the crown in the Eastern Townships, and immediately after the session (sic) of this country by the French to the English, inducements were held out to the people of the United States to settle in the Eastern Townships, and they were given to understand that a squatter's right would be recognised, and in settling upon lands in advance of others, would have a prior title. Among the early grants that were made, some three or four townships were disposed of; persons having land granted them as tenants in common, the consequence of which was that in a few years their relations became so complicated that it was utterly impossible to unravel them at the present moment. In two or three townships the difficulty was got rid of, and the tenants in common, feeling that they must make some sacrifices in order to bring things to an adjustment, came to an understanding among themselves. Then a large portion of such townships was to be reserved for the crown and another for the clergy, and in the meantime no proper survey was made in these townships, so that persons going to settle therein acting upon the inducements held out by the government did not know where the clergy or crown lands were, or those of private individuals. The persons who obtained grants, the extent of which were not known to the public, because these things were done then in a very different way to what they are now. Persons went into the Eastern Townships, settled upon lands in good faith, and believed that they would have a right to purchase them. In fact the very settlement of the Eastern Townships was owing to the efforts made by the squatters. The government recognised their rights, except in case of

their settling upon the lands of private persons, who kept themselves in the back ground, lest if they came forward they should be compelled to pay their share of the labor which had been devoted to the land by the new settlers, and in many instances the owners allowed their utterly worthless lands thus to be improved, and as soon as they found that they were of some value, the owners pounced down upon the unfortunate settlers; perhaps many of them having abandoned lands in the United States to come to Canada, relying upon the faith of the crown, under which they thought they would be secure. Under these circumstances he (Mr. Drummond) thought that something ought to be done for these men to relieve them. But he (Mr. Drummond) could not assent to that part of the bill which would lay down that under any circumstances a man should be compelled to divest himself of his property at any price, which he cannot stipulate, or that under any circumstances a man who holds a good title to land should be compelled to submit to arbitration the price at which he should sell, (hear, hear,) but he (Mr. Drummond) thought it was right to pass a law to secure to those men who have tilled and improved the soil, the value of the labor which they have thrown upon it. The old Roman principle was good. But we are met with obligations and principles of a much higher and more important character, for it was one that lies at the basis of all christian legislature, namely, "that you should not do unto others that which you do not wish to be done to you," and you must not enrich yourself at the expense of another. It should not be allowed the large proprietors to enrich themselves by the sweat and toil of the poor man. Property has its duties as well as its rights, and the man who holds it should do so as well for himself as for the public benefit, and he ought to perform his duties and improve the roads and develop the resources of the land. He (Mr. Drummond) objected to one of the clauses in the bill by which a man could compel another to sell his property at a certain price, but he did not agree in the proposal to compel persons who held wild lands in Lower Canada to register their title. It had been utterly impossible to ascertain the title of persons in some portion of the townships. He (Mr. Drummond) had wished to improve some wild lands (sic) that he held in the Eastern Townships, by making some roads pass through there, but found it difficult. [He] thought that the bill should be referred to a committee.¹⁶

MR. ROBINSON regarde ce bill comme fort dangereux. Pourquoi un homme qui n'a aucun droit irait-il s'établir sur la terre d'autrui; et s'il le fait pourquoi lui donnerait-on le droit de déposséder le vrai propriétaire.¹⁷

MR. FELTON, was in favor of the bill. Here were settlers who had cultivated the wilderness, they should be looked upon in his opinion as public benefactors, but the absentees, who had obtained these grants of lands, and did nothing towards cultivating them, were assuredly not public benefactors. The lands were granted to them on condition that they would cultivate them but they did not do so. Was it not time to put an end to their tyranny over the squatters? He thought that it was, and the bill should be referred to a committee. He hoped that the honorable member for Compton would not allow of any one of the principles of the bill being expunged.¹⁸

MR. HINCKS n'est pas du tout d'accord avec le membre pour Sherbrooke par rapport aux droits des propriétaires. Si ces propriétaires avaient perdu leurs terres faute de remplir les conditions de l'octroi, il doit y avoir un moyen légal de les déposséder; s'ils ne les ont pas perdues pour cause légale certainement la Chambre ne doit pas s'en mêler par la voie de la législation.¹⁹ When they came to deal with rights of property, it was dangerous to take into

consideration public opinion. This was not a question applying to the Eastern Townships alone, but Upper Canada also, where greater hardships occurred than in L.C. in these matter[s].²⁰ Les sentiments du coeur sont très bons, mais on ne doit pas les prendre pour règle en matière de propriété, et il lui semble que les arguments du membre pour Sherbrooke se sont adressés plutôt aux voteurs, qu'au bon sens de la Chambre; mais il faut se souvenir que quoique le sort du squatter soit souvent déplorable, il y en a qui le sont plus encore. Par exemple, un homme achète une propriété d'une personne qu'il croit en être le propriétaire, et après qu'il a payé il trouve que le vendeur n'y avait aucun droit. Il est alors dépossédé, et ne reçoit aucune indemnité. Toutefois cet homme avait agi de bonne foi; il ne s'était pas établi sur la propriété d'autrui, mais il doit perdre tout ce qu'il aura payé. Pourquoi donc montrer tant de sensibilité pour l'homme qui a fait ce qu'il connaissait dès le commencement n'avoir aucun droit de faire?²¹ If the mem. of the govern. went with the honorable member for Sherbrooke, he should regret it much.²² Il ne s'opposera pas à ce que le bill soit envoyé au comité, comme le Procureur-général ne s'y était pas opposé; mais il tiendra le gouvernement responsable s'il permet une mesure si dangereuse de passer sans [a]mendement.²³

MR. COM. CR. LANDS MORIN.--Fully concurred in the doctrine, that those settlers who have improved lands, considering their once uncultivated state, should be compensated--that principle was consonant to the law of Lower Canada at all events. No one should be come rich "by the sweat of another man's brow." But the proprietor should not be deprived of his right to the property. He therefore did not go so far as the honorable member for Sherbrooke.²⁴ If the objections made to the Bill prevailed, the government would oppose it.²⁵

MR. J. DORION (Drummond) ... spoke ... in French²⁶. Je me considérerais au-dessous de la mission que j'ai à remplir si je ne parlais pas en faveur de la mesure qui nous est soumise. Pour bien se mettre au fait de la question, il faut examiner la loi actuelle pour voir quelle condition elle fait aux colons qui se sont établis sans avoir de titres. La loi passée en 1853, et que je tiens en mains, produit un mal étendu, incalculable, car un grand propriétaire peut poursuivre un squatter, comme on appelle ces colons, non seulement pour recouvrer sa propriété, mais encore pour les rentes, fruits, revenus et domages, etc., etc., pendant le temps de l'occupation. Un colon établi depuis 15 ans sur un lot de cent acres, peut être poursuivi, comme la chose arrive tous les jours depuis la passation de cette loi, pour l'intérêt de la valeur du lot qu'il occupe. En portant cette valeur à \$2 l'arpent, cela fait un capital de £50 et conséquemment \$12 d'intérêt. On fait donc un compte de £45 pour intérêt contre le pauvre colon à part ce que l'on peut ajouter pour tant d'épinettes, de merisiers, de pins enlevés sur la terre mise en culture. Par ce moyen on ferme un compte de £80 à £100, et pour toute consolation, le pauvre malheureux peut produire une demande incidente pour ses améliorations. Dans presque tous les cas, les deux comptes se balancent. Le colon est exproprié, forcé d'abandonner la terre qu'il a défrichée, la maison qu'il a bâtie et qu'il habite depuis de longues années. Il est dépossédé, mis dans le chemin après avoir amélioré la terre, après avoir fait des chemins, payé la taxe des écoles, avoir été traîné à Québec, à Trois-Rivières, de tems à autres, pour servir comme juré, sans être indemnisé comme tel. Pendant tout ce tems, il a supporté toutes les charges publiques, tous les impôts, mais il n'avait pas le droit de voter aux élections et il ne lui est rien accordé pour son travail.

J'attache beaucoup d'importance à cette question et je suis convaincu que si tous les membres de la chambre connaissaient tous les faits qui se rattachent

à ce sujet, il n'y en a pas un qui s'opposerait à la passation d'une si juste mesure. J'ai présenté, durant la présente session, douze requêtes de la part d'un grand nombre de squatters des townships de l'Est, demandant justice.

On a parlé du droit de propriété comme si l'on voulait empiéter sur ce droit par le bill en question. Mais que demandent donc ces colons? Ils ne demandent point la propriété qui ne leur appartient pas, mais ils veulent être indemnisés pour leur travail et celui de leurs familles; pour le travail qui a produit les améliorations qui ont ajouté une valeur réelle à la propriété. Y a-t-il quelque chose de plus sacré que le travail du pauvre? Les squatters dans leur pétition ne demandent rien d'injuste, mais seulement ce que les lois du pays accordent dans d'autres cas, le droit aux améliorations.

Une loi de ce genre n'est rien de neuf. Les lois du Maine, du New-Hampshire, de l'Ohio, des Illinois reconnaissent ce droit des squatters, et pourquoi ne le ferions-nous pas, surtout quand nous avons toutes les raisons de le faire.

En 1832, le gouvernement, par des proclamations, invita tous les habitants du pays à s'établir sur les terres de la couronne, et un grand nombre d'habitants du district des Trois-Rivières s'enfoncèrent dans la forêt, derrière les seigneuries de Bécancour, Gentilly et Nicolet pour s'établir avec leurs familles. A cette époque, les lignes des terres étaient incomplètes, ces colons ne ... connaissaient point de propriétaires, et ayant dépassé les lignes des seigneuries, se croyaient sur les terres du gouvernement. Ce n'est que depuis quelques années que les grands propriétaires se sont fait connaître, après que leurs propriétés eurent été améliorées, établies par des défrichements, la construction de chemins, la bâtisse de maisons et autres dépendances qui feraient honneur aux plus anciennes et aux plus riches paroisses du Bas-Canada.

Si je comprends bien, sous peu, la Chambre sera appelée à faire une excursion par le chemin de fer de Québec et Richmond, et chacun des membres pourra se convaincre de l'immense travail de ces colons en voyant les belles terres, les belles maisons et granges des townships de Sommerset, Stanfold, Arthabaska et Warwick, où un très grand nombre des habitants sont encore squatters et dont les établissements, sans eux, seraient encore une forêt immense.

Je n'hésite pas à le dire, M. l'orateur, il n'y a que les Canadiens qui pouvaient braver les difficultés et franchir l'immense savane qui sépare les Seigneuries des townships auxquels je viens de faire allusion. Il n'a fallu rien moins que l'attachement des Canadiens au sol natal pour les engager à s'enfoncer dans ces forêts sous ces circonstances, pour s'établir près de leurs anciens établissements.

Je citerai un fait pour faire voir pendant combien de tems ces colons ont souffert par le manque de chemins. En 1846, le missionnaire de Stanfold, et deux de ses voisins, étant partis de sa demeure pour se rendre à trois lieues de cet endroit, le soir, fut trouvé le lendemain matin à une demi lieue de sa maison, avec un de ses compagnons, morts de froid, le troisième ayant survécu pour nous apprendre qu'après avoir erré pendant toute la nuit, dans l'immense savane de Stanfold et Blanford, par une nuit de Novembre, deux étaient morts et que lui-même fut pendant plusieurs jours dans un état si précaire qu'il ne pouvait donner des détails sur son aventure et celle de ses compagnons. Remarquez qu'ils s'étaient aventurés sur le grand chemin de communication de Stanfold à Trois-Rivières! Tel était l'état des chemins il n'y a encore que quelques années! Ce fait suffit pour faire sentir quels ont dû être les sacrifices, la misère de ces colons qui ont ouvert non seulement une terre, une localité, mais un pays entier, je devrais dire. Personne, M. l'orateur, n'a d'idée de l'éten-due de ces établissements et des travaux qui y ont été exécutés. Les townships de l'Est sont un pays par eux-mêmes et nous réclamons justice pour les pion[n]iers

de ces établissements; pour ceux qui ont le plus arrosé de leurs sueurs un sol qu'ils ont rendu cultivable et susceptible de faire vivre une population déjà immense.

N'oublions pas que ceux qui ont le plus à souffrir de lois actuelles, sont ceux qui, répondant à l'appel même du gouvernement, se sont établis sur des lots inconnus, dans l'espérance que lorsque le gouvernement leur accorderait les récompenses si longtemps promises aux miliciens Canadiens de 1812, il leur serait permis de choisir les lots qu'ils auraient défrichés!

Je n'aurais pas parlé si longuement sur cette question, à la seconde lecture d'un bill qui doit être renvoyé à un comité spécial, mais c'est une de ces questions qui ne peut être trop discutée. La Chambre sera mieux préparée à recevoir favorablement le rapport du comité, et je suis heureux de voir que plusieurs membres qui ont opposé ce bill dans d'autres session[s], lui sont favorables aujourd'hui, parce qu'ils ont étudié le sujet et en comprennent mieux les détails.

Je terminerai en disant que si la loi passée en 1853 demeure au nombre de nos statuts, pendant cinq ans encore, la moitié de cette nombreuse classe de colons sera chassée des différents townships et se dirigera vers les Illinois, où elle trouvera des terres pour rien et où les colons dans pareilles circonstances sont protégés par la loi. Oui, M. l'orateur, ces colons dont les cheveux de plusieurs ont blanchi dans ces townships, ne chercheront plus à s'établir en Canada, mais ils prendront le chemin de l'Ouest, comme un grand nombre l'ont déjà fait, tout en maudissant leur pays natal et les législateurs qui n'auront pas voulu leur rendre justice!

M. Dorion parla ensuite en anglais sur le même sujet et fit voir que dans le Haut-Canada l'établissement des terres avait été si rapide que l'on n'avait pas à se plaindre du même ordre de choses. Là, l'émigration a rendu les terres d'une grande valeur, de suite, et les grands propriétaires les ont surveillées en nommant des agents pour les faire vendre. Voilà ce qui peut expliquer la différence. Dans le Bas-Canada, l'établissement de ces terres a été si longtemps retardé qu'elles étaient d'une valeur nominale et que les grands propriétaires avaient intérêt à ne pas se faire connaître pour laisser courir les améliorations.²⁷

MR. SANBORN, in reply to what had fallen from honorable members, said the bill only applied to the past and when occupiers had been six years in possession. It did not compel proprietors to sell, only indirectly.--If they chose to sell they were not compelled to pay for improvements. He was happy to see the different tone manifested now by honorable members to that expressed last session upon the same bill. The Courts allow Betterments to be estimated, but they also allow the rents which accrue upon the property after it is improved, in compensation. This operated justly in cases where persons improved real property which already yielded a revenue, but when applied to waste lands, it gives to the proprietor rents upon the improvements of the settler to compensate the settler's improvement. This was unjust. It was only right that a proper definition of the respective rights of the proprietor and occupier should be made, in order to secure to the one the fruits of his labor, while it does not despoil the other of his property.²⁸ Il dit que les auteurs américains qui ont écrit sur ce sujet parlent toujours des squatters qui ont agi de bonne foi; mais qu'est-ce que cela fait? Rien; car un squatter n'a qu'à vendre sa possession, et l'acheteur dès lors possède un titre de bonne foi, quoique ce titre remonte à l'établissement du squatter.²⁹

MR. TURCOTTE aborde aussi le sujet. Il convient que ce soit aux défricheurs à tirer parti des terres colonisées, et non aux propriétaires. Ceux-là ont

droit aux provenances de leur établissement, tandis que ceux-ci n'ont pas exécuté leurs engagements pris de coloniser en livrant le sol à la culture. Il ne faut pas priver le colon de jouir de son succès, ni récompenser le propriétaire de s'être refusé à la colonisation. D'ailleurs, cette expulsion n'est pas réalisable; on expulserait donc aussi un nombre immense de squatters disséminés sur tous les points du domaine public ou des portions aliénées de première main. Il n'y aurait pas raison valable de déposséder la moitié des agriculteurs de la province placés dans la catégorie des squatters; s'il n'y a pas raison pour la moitié, il n'y en a pas davantage pour un quart, ni même pour cinq cents agriculteurs. Au reste, ce n'est pas une donation que l'on demande pour le colon dépourvu d'un titre, c'est un achat qu'il s'agit d'autoriser en sa faveur, dans l'intérêt du pays et dans l'intérêt même du propriétaire, puisqu'il y a augmentation certaine de valeur. La bonne foi du colon milite beaucoup à son avantage, car il a pris généralement possession de la terre inculte à une époque où l'administration du domaine public n'étant pas ce qu'elle est maintenant, il croyait se fixer sur ce domaine et non sur celui des grands concessionnaires. Ces derniers cependant n'ont pas réclamé contre cette saisine de la part du colon, ils l'ont, au contraire, laissé s'établir et se constituer un patrimoine, sauf à s'enrichir plus tard à son détriment. Encore, n'est-il pas question pour l'agriculteur de garder ses défrichements en payant seulement la valeur première, mais à la condition de payer peut-être dix fois cette valeur à raison de ce qu'elle s'est accrue.³⁰

MR. DEWITT ... dit ... [qu'] il faut respecter les droits acquis. La mesure soumise à la chambre est une mesure juste et nécessaire. Ce serait une tache à l'honneur du pays que son assentiment à l'expulsion de leurs foyers de ceux qui sont prêts à payer les terres qu'ils possèdent.³¹

MR. SOL. GEN. D. ROSS said there were objectionable details in the bill; but not such as would cause him to vote against it. The effect of individuals holding large quantities of land unimproved had been to cause the voluntary expatriation of a portion of the population.³² Les propriétaires ont retardé les progrès de la colonisation en ne faisant rien pour elle³³. If these absentees neither improved the lands nor fulfilled the conditions of the patent, it would be right to interfere with some remedy. He objected to one provision of the bill by which the proprietor, if he be desired to resume the land, would be deprived of all benefits of rents, issues and profits.³⁴ Ce bill devrait être référé à un comité, et approuvé dans ses dispositions ayant pour objet la reconnaissance des droits des propriétaires aussi bien que la justice envers ceux qui, de bonne foi, se sont livrés à des travaux grands et productifs.³⁵

MR. SOL. GEN. H. SMITH was not inclined to vote against the second reading. He hoped the bill would be modified by the committee, if the bill went to one. He did not think that the squatters should be allowed to intimidate the House, in coming down upon it in this way--they ought to endeavour to reach in some other manner the sympathies of the House. But it was right for the Legislature to interfere and ameliorate the squatter's condition which, under the present system of land being held, was not a fair one. These large proprietors had never fulfilled their conditions of settlement, and had refused to sell lands except at high rates, which they held as speculators, and in order to profit by the labor of others. The holding of large Crown lands and Clergy Reserves had much retarded the progress of the country. The holding of these extensive tracts operated against the formation of roads, which was highly objectionable. It was not just to the proprietor, that in case of his desiring to repossess the

land occupied by the squatter, that no allowance should be made to the proprietor for rents, issues and profits. Many cases might arise where these settlers had stripped the land of the timber. The bill was too stringent as to the rents, issues, and profits. There was no doubt that the existing system was a vicious one.³⁶

(214)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sanborn, Mr. Solicitor General Ross, Mr. Ferres, Mr. Thomas Fortier, Mr. Masson, Mr. Lemieux, and Mr. Jean Baptiste Eric Dorion, to report thereon with all convenient speed; with power to send for persons, papers and records.

The Order of the day for the second reading of the Bill to amend the Law of Patents for Inventions, being read;

Mr. Sanborn moved, seconded by Mr. Foley, and the Question being proposed, That the Bill be now read a second time;

MR. SANBORN, moved, that the bill to amend the Law of Patents for Inventions, be read a second time. Its object was to encourage the introduction of Inventions and discoveries of foreign countries into this Province, and that foreigners should be allowed to obtain a Patent in Canada in the same manner as Patents have been and now are obtained here, by Inventors, who are subjects of Her Majesty and residents of this Province, and that the duration of such Patents shall be limited to seven years.³⁷ Its object was to allow Americans to take out patents for their inventions in Canada, and hereby facilitate the introduction of foreign capital into the Province.³⁸

MR. CARTIER said, that he had had occasion in 1849 to oppose a bill of a similar description, and he should oppose this bill as its main object was to give advantage to the American Inventor (*sic*), enabling him, he having obtained his Patent in the United States, to come to Canada and get another Patent. The honorable mover had made out no case for this bill going into force. We had in fact been already too liberal to the United States; when we have to pay nothing at all to the Yankees for being able to avail ourselves of their inventions why should we pass such a bill.³⁹ Si le projet devant la Chambre devenait loi, on serait obligé de payer pour toute chose de ce genre, en prix augmenté par ce qu'on aurait dû payer à l'inventeur pour avoir permission de se servir de son invention. Par exemple tous les Télégraphes Electriques qui sont établis dans le pays auraient dû payer une certaine somme pour le privilège de mettre en opération l'invention brevetée de Morse ou Bain. Il enverrait plutôt aux Etats-Unis pour épier toute invention nouvelle, et la voler.⁴⁰ He would move as an amendment, that the bill be read a second time that day six months.⁴¹

(214)

Mr. Cartier moved in amendment to the Question, seconded by Mr. Thibaudeau, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. FELTON.--Did not agree with the hon. member for Verchères, in pillaging inventors of their ideas and property.⁴² [He] suggested the sending of the bill to a committee.⁴³

MR. STEVENSON wished to have reciprocity with the Americans in full, and would therefore oppose this bill.⁴⁴ While Canadians have to pay \$500 for registering a patent at Washington, he did not see why they should permit Americans

to get patents on other terms here.⁴⁵ They should not have advantage from Canadians which they denied to Canadians.⁴⁶

MR. BROWN wanted the opinion of the Bureau of Agriculture on the matter.⁴⁷

MR. LARWILL, enquired if a foreigner could take out a patent here.⁴⁸

MR. CARTIER said Frenchmen and Germans could but the Americans were excepted.⁴⁹

Some gentlemen said a negro could.⁵⁰

MR. LARWILL, was surprised that honorable gentlemen should take such a narrow-minded view of this bill. He was opposed to committees and thought the House could be a judge of the wisdom of passing the measure--He did not agree to the bill being sent to a committee.⁵¹

MR. PRES. EX. COUN. MACNAB, was at a loss to find out any advantage which the bill would be of to this country. If you go to the United States to get a patent, you cannot get it unless you pay a very large sum of money.⁵² If this bill passed it would enable Americans to charge us a higher price for the articles they patented here.⁵³

MR. SANBORN.--The House was only legislating for the benefit of Canadians. He would maintain that passing this bill would be very beneficial to the people of Canada, for a very large amount of capital would be immediately invested in the country in manufactures and improvements.⁵⁴ He had no objection to subject the patent laws in this country and the United States to principles of reciprocity. The Americans were illiberal in this respect as well as ourselves.⁵⁵

MR. INSP. GEN. CAYLEY thought the mover had failed to show any advantage that this bill would confer on this country.⁵⁶ The Americans had an extensive field, for working their discoveries and it would be a mistaken policy to allow them to come here, while Americans do not make Canadians on the same footing.⁵⁷ In illustration, he said if the Americans invented a saw that was far superior to any in use, and we gave the inventor a monopoly of supplying it, the effect would be either to exclude it from every mill in the country or to enhance its cost to the purchaser.⁵⁸

MR. FOLEY was in favor of it. We have not large capital in Canada to work extensive improvements which are carried out in England and United States.⁵⁹ We did not use the greater and more costly inventions on account of the want of that capital which this bill would introduce. He stated that he was cognizant of a practice of Americans obtaining patents in this country in the name of naturalized subjects; and ... he believed that one-third of the articles patented here were of this nature.⁶⁰

MR. DEWITT spoke against the bill.⁶¹

MR. MACKENZIE favored the principle of Reciprocity. The Americans charge a British subject \$500 for granting a patent; and while this state of the law existed, he did not think we should give an American the exclusive monopoly of our market for the paltry sum of \$15. A little manual showing the state of our patent laws ought to be published by government for general information, and we ought to have an annual report on the subject of patents.⁶²

MR. MCKERLIE supported the bill.⁶³

MR. AT. GEN. J.A. MACDONALD opposed it. He contended that it was absurd to suppose that it would introduce American capital into the Province. The effect

of such a law would rather be to encourage Americans to sell their patents to Canadians; or manufacture their inventions in the States, and then send them over here for sale. Thus the effect would be to enhance the price of the articles, instead of diminishing it, as had been argued, and our own manufactures would be anything but stimulated by the process. At present every American patent that was worth anything was introduced among us.⁶⁴ The bill proposed a false liberality for which we should get no thanks.⁶⁵

MR. FOLEY knew a case of a person getting a special Act of Naturalization to enable him to get a patent for manufacturing iron nuts, by which the price would be reduced by one half.⁶⁶

MR. AT. GEN. J.A. MACDONALD said there was another person, a merchant in Kingston, who was putting up machinery for manufacturing these same nuts. If this bill were in operation the American would get a monopoly of the market and prevent this Canadian, at Kingston, from going into the same business, unless he paid him a large sum for the right to do so.⁶⁷

MR. CARTIER said a few more words in support of his motion, and stated that he should persist in pressing it.⁶⁸

MR. SOL. GEN. D. ROSS supported the amendment.⁶⁹ [Il] rappelle qu'un projet de loi ayant un but identique a été introduit dans le conseil législatif. Ce dernier projet diffère d'avec le bill actuel en ce qu'il autorise l'octroi de patentes en Canada à ceux qui en possèderaient une déjà pour le même objet dans leur propre pays. Bien qu'il ne soit pas prêt à voter en faveur du bill dont il parle, il le croit cependant de nature à conférer des garanties plus équitables aux inventeurs que celui qui est présentement en discussion; ce dernier ne contenant aucune disposition d'une portée équivalente à celle du précédent, et laissant toute facilité aux fraudes de la part d'étrangers, qu'il mettrait en état de se pourvoir ici de brevets pour découvertes dont il ne paraîtrait pas suffisamment qu'ils fussent les véritables auteurs. On ne pourrait objecter à une loi qui aurait pour base un système de réciprocité parfaite, mais de réciprocité non calquée simplement sur une énonciation du principe, mais effective par ses résultats probables, puisqu'il est vrai qu'une mesure peut être apparemment en accord avec le [p]rincipe, mais opérer dans l'application d'une manière désavantageuse au pays. L'effet du bill dont il s'agit en ce moment serait l'établissement d'un monopole. S'il se trouve des représentants favorables par prédilections aux découvertes américaines et désireux d'encourager ici l'encouragement des brevets étrangers, qu'ils commencent par accorder ces privilèges et par assurer ces avantages, d'abord aux habitants de leur propre pays. L'on dit, il est vrai, que les capitaux surabondent aux Etats-Unis et que les possesseurs de ces capitaux sont disposés à en faire emploi pour ouvrir des manufactures, et qu'ils feraient cet usage en Canada si le présent bill était adopté. S'il en est ainsi, il leur est bien loisible de s'associer pour cet objet à ceux des habitants du pays qui prêteraient volontiers la main à de telles entreprises en mettant à profit les découvertes faites aux Etats-Unis, par un enregistrement qu'autoriserait la loi. Ils trouveraient par là d'amples occasions d'utiliser leurs capitaux oisifs et le pays tirerait un bien plus grand avantage d'une mesure en ce sens que d'une loi tendant à mettre en faveur le monopole étranger.⁷⁰

MR. BELLINGHAM also ... [supported the amendment]. He referred to American piracies of literary words, and contended that this bill could not do any good for Canada.⁷¹

The amendment was put and carried by a large majority on a division. The yeas and nays were not called for by the minority.⁷²

(214)

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

(215)

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to enforce the enregistration of Titles to Lands in the Townships of Lower Canada, being read;

DR. T. FORTIER moved the second reading of the bill to enforce the registration of titles in the Eastern Townships.⁷³ [Il] explique que son but est de faire enregistrer les noms des propriétaires afin qu'on puisse leur imposer des cotisations, et que les colons puissent savoir à qui ils doivent s'adresser pour acheter des terres.⁷⁴

MR. COM. CR. LANDS MORIN said there were some things in this bill, as in that of Mr. Sanborn, that he would not oppose, but that it contained some objectionable clauses. He had no objection to the second reading, with the view of referring it to a select committee⁷⁵, on the understanding that the objectionable provisions, referred to in a previous discussion, should be expunged.⁷⁶

DR. T. FORTIER had no objection to amendments that might be thought necessary by the House. He considered it best that his and Mr. Sanborn's bills should be amalgamated.⁷⁷

(215)

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to improve the Law relating to Betterment.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Commissioners of the Port Hope Harbour, and to authorize them to borrow a further sum of money for the completion thereof, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, being read;

MR. CARTIER moved the second reading of the Bill to amend the Grand Trunk Railway Act. He explained that the Grand Trunk Railway Company of Canada East, the Junction Railway, the St. Lawrence and Atlantic Railway, and the Toronto and Guelph Railway, had been authorized to form an amalgamation, and that amalgamation had taken place in the manner and upon the conditions exacted and imposed by the two statutes which had reference to that matter. It had further been stipulated that the Atlantic and St. Lawrence Railway, which runs through the States of Maine, New Hampshire and Vermont should be leased to the Grand Trunk Company for 999 years, in order that the Americans might not be masters of our great chain of internal communication.⁷⁸ Authority had been given for this by the Legislatures of the States of New Hampshire and Vermont; but authority to confirm the lease was not yet given by this legislature. They had also amalgamated with the St. Lawrence and Atlantic Railway Company; under the authority of the act 16 Vic. Chap. 39.⁷⁹ The object then of the Bill was that this amalgamation and lease should be ratified, and also that the Provincial

guarantee which originally was limited to the Grand Trunk Railway from Montreal to Toronto, and from Point Levi to Trois Pistoles, should be extended over the whole of the Grand Trunk. In this way the interest of the Province would be rendered safer. Another feature of the Bill was its authorizing the Company to make branch railways along the whole line, wherever necessary, to connect with the lake and the St. Lawrence. Beyond Toronto there would be no need of such branch railways, but from Montreal to Toronto the railway ran at various distances from the shore, and in some places it would be necessary to establish a branch railway, and a steam-boat ferry, for the accomodation of the inhabitants on the opposite shore. He moved that the Bill be now read a second time, with a view to its being then sent to the Railroad Committee.⁸⁰

MR. FOURNIER said a few words, which the Reporter could not hear: to which MR. CARTIER replied.⁸¹

MR. BROWN said that this was one of the most extraordinary bills ever introduced into the house. The powers it proposed to give the company in regard to the building of Branch Railways were so extensive, that there would be little left for his hon. friend from Waterloo (Mr. Foley) to introduce into his General Railway Act. (Hear, hear.) He would simply call the attention of the house to the clauses of the bill. In the first clause, the house was asked to confirm all the agreements and amalgamations entered into by the Directors with contractors and other companies, and all the acts done by the Directors in pursuance thereof. They were asked to confirm these proceedings without knowing what they were, or any thing about them. (Hear, hear.) They were asked to legalize everything that these gentlemen had been doing, and yet had no information what that was.⁸²

MR. CARTIER said that any document the Railway Committee wanted would be laid before them. He had in his hand the agreement reciting all the contracts, and a schedule having special reference to there contracts, and the whole would go before the Railway Committee⁸³, and they will be printed, if the House desires.⁸⁴

MR. BROWN.--The Railway Committee!--That committee having been appointed by the government! But he was glad that the company was coming down from its high horse, even to this extent. In the last two sessions he had striven to get copies of these agreements, but without obtaining his object. Before the house was asked to legislate in the way proposed, not only should the Railway Committee see those documents, but the whole house should see them. The next noticeable clause was the 5th. It was very objectionable, making it lawful at any time for the Governor in Council, on such terms and by such provisions as he should think fit, to extend the time allowed for the completion of the Grand Trunk Railway. (Hear, hear.) Full power was given to the government, without the consent of parliament, to extend the time fixed by law and by special agreement for making the road, to any period they might think proper. He appealed to the members of the last house, whether, when they passed the charter, one of the chief reasons given for bestowing the contract on this company in preference to open competition was not, that these English contractors would put the work through without any delay, and that the time would be kept even to a day.⁸⁵

MR. HINCKS.--The hon. gentleman should remember that we could not have looked for a European war.⁸⁶

MR. BROWN.--The honorable gentleman should have looked to all contingencies. He told us the company were so wealthy that nothing could prevent them from going on. Had he taken the money offered by England and lent it out to the Canadian contractors the result would have been very different.⁸⁷

MR. HINCKS.--If I had done so, the Province would have been ruined.⁸⁸

MR. BROWN.--If the Canadian share of these seven millions had been taken and lent to the Canadian Companies, towards the constructing of its roads, secured by first mortgage on the road they were to build, it was hard to see how the country could have been ruined, and if it was a ruinous scheme it was the scheme devised by the honorable gentleman and his colleagues, and earnestly urged on parliament for successive sessions. In regard to the question of time, the last report of the Directors announced that for a large portion of the works which they had thought would be so soon concluded, the time was extended to 1855 and 1856. A little afterwards they heard that certain of the works had been stopped altogether. And now, we have had this clause allowing the company to postpone some of the most desirable parts of their works indefinitely. Was this what was expected from Messrs. Peto & Co., when they got their contract? The 7th clause provided that, if it should be deemed expedient to increase the company's capital, such increase might be effected by resolution of the Directors, sanctioned by the votes of two-thirds of the shareholders present in person or by proxy at any meeting at which such proposition should be submitted; and the further capital so authorized was to be raised by mortgage or bond, only the issue of new shares of such denomination, and with such privileges as to priority of dividend or otherwise, as the company might determine. They might agree that any stock thus to be issued should have a first dividend, and he apprehended that the House could not give any such power to the company perhaps to the injury of the Government guarantee. The ninth clause provided for a reduction in the number of Directors, but enacted that members of the Government should still continue in the company as Directors. He considered this a very objectionable clause, and had hoped that the hon. gentlemen on the Treasury Benches would have come to the conclusion that members of the Executive ought not to be connected officially with this or any other Railway Company. If the money of the Province lent to the Grand Trunk was as well secured and exposed to as little risk as money lent to the Great Western or Northern Roads, he could not see why members of the Executive should be officially connected with the company, unless to increase their political power.⁸⁹ Il trouve [mauvaise] ... [la clause] qui permet à la compagnie de faire ériger des bâtisses en bois dans les villes, nonobstant les défenses de ces constructions qui ont été faites par les conseils municipaux.⁹⁰ The 20th clause was the most important and to it he called earnest attention. It provided that instead of the provisions contained in the recited Acts for the issue of the Debentures of the Province to certain companies incorporated by such Acts, and now forming part of the Grand Trunk Railway Company of Canada, one general provision should be made for the issue thereof, and that instead of the particular charges on the several Railways in respect of such issues, one general charge should be created on the Grand Trunk Railway of Canada to the extent of the whole amount of the Debentures of the Province issued or to be issued. Now, what was the meaning of this? Hon. gentlemen were quite aware that at present the Grand Trunk Company had no right to the public money upon certain portions of the road, and that they could only receive £40,000 of Debentures on £100,000 of work done on the road between Montreal and Toronto, between Richmond and Québec, and between Point Levi and Trois Pistoles. The proposal then was this, that that restriction should be done away with, and that the Grand Trunk should get the money advanced as they invested their funds on any part of their works. The object clearly was that, as the Victoria Bridge was built, they might get a large part of the public money which was intended for the Montreal and Toronto Railway. Their works were going on at Montreal very rapidly, and the probability was that

when they had completed these, the company would have expended the whole of their funds, and received the whole of the public money to which they were entitled, and the works in Upper Canada would be left to the uncertain chances of further negotiations. He believed that at present very little work was going on west of Brockville. It certainly looked very much as if the company was laying their plans for a future demand on the Government for further assistance from the public chest.⁹¹

MR. CARTIER.--No! No!⁹²

MR. BROWN understood that at a recent meeting of the company the question was gravely proposed whether such an application should not even now be made. The hon. gentleman would correct him if he was wrongly informed. The proposal now before the house he considered to be an entire breach of bargain. The country had been told that the company's funds were unlimited, and that with their acceptance of the contract all pecuniary difficulty would cease. The ex-Inspector General had over and over again assured the House that this company would never ask for a sixpence of the public money; he gave glowing pictures of their wealth and credit, and asked would such men take money from us at six per cent, when they could get as much as they wanted in England at three? It was mainly upon that plea that they got the contract, but almost the first step they took, and every step they had since taken, had been sustained by the money of the Province. He was informed that up to the 1st of September, £700,000 had been paid to them.⁹³

MR. HINCKS was amazed at such a statement. The amount of money advanced to the Grand Trunk Company on account of provincial debentures was only £310,000⁹⁴ up to the 31st of August⁹⁵ while they had expended nearly £3,000,000 stg. on the different works.⁹⁶

MR. BROWN.--Including the Portland Railway?⁹⁷ Can you give any reliable figures for that statement?⁹⁸

MR. HINCKS.--Yes--now; and he read the following statement:--

Expended on the Quebec and Trois Pistoles Section.....	£ 165,360
Do. Montreal and Toronto do.....	1,191 063
Do. Toronto and Sarnia do.....	576,758
Do. Victoria Bridge do.....	107,020
Do. Quebec and Richmond do.....	<u>169,521</u>
	£2,209,722
Do. on account of Portland line.....	787,000
	St..... £2,996,722 ⁹⁹

and £9,800 on the steam ferry boats¹⁰⁰. This was the total expenditure to the present time, making, as he had stated, nearly £3,000,000 stg.¹⁰¹

MR. BROWN said, that very little of that money had been spent on the Grand Trunk Railway proper; most of that which was expended had been provided by other parties before amalgamation with the Grand Trunk. It should also be remembered, that a large sum of money had been obtained by an advance to the Stockholders in England of the Provincial debentures, which were used as inducements to parties to come forward and pay up the shares in advance.¹⁰²

MR. HINCKS.--There have only been £288,000 of debentures so issued to the Stockholders, besides the £310,000 issued to the company. Although the shareholders have paid up some £500,000 or £600,000 in instalments on account of the debentures, they have only paid up £228,000 in full, and have only received that amount of debentures.¹⁰³

MR. BROWN said that at last they had succeeded in gaining some information as to these matters. It had just been stated that the company had expended on all its works and amalgamations £3,000,000; and, if this bill were passed, it would be entitled to receive £1,200,000, without their works being further advanced. They had already got £300,000, and the moment this bill went into operation, they would be at once entitled to draw £900,000 more. The object of the bill was to unite all the branches, and to say that the company would be entitled to £40,000 from Government on every £100,000 expended on any part of the works, the Victoria Bridge of course included. After receiving this £900,000, they would only have £550,000 more in all to receive, and he would ask gentlemen from Upper Canada what security they would have in those circumstances for the completion of the work? Had any reason been urged why they should not insist on the completion of the work according to the original contract? The 22nd clause was also most objectionable. It gave the company unlimited power to make branch railways in any direction, within any time they chose. The 25th clause provided that "it shall be lawful for the said company to take, acquire, and hold at the terminus of the branch last aforesaid, at or below the said current of St. Mary's, such extent of land as they may deem requisite for such terminus, and the station, wharves, and other works which the company may build and erect at such terminus, not exceeding twenty-five acres," nothing being said as to consulting the proprietor. The Attorney General East in the discussion of another bill had said that no party should be compelled to sell his land except at his own price. If that was a sound principle, he would advise the hon. gentleman to compare it with this clause. The next clause gave the company "power to take, use and occupy for any period of time, without purchasing the same absolutely, any lands of which they may require the temporary use for the construction, or for the repairing, after construction, of any work on the main line of their Railway or any branch thereof, or for the purpose of getting from off such lands any stone, timber, or other materials required for their Railway or works, (and to take such materials from the same for such purpose,) or for the purpose of constructing thereupon any temporary road or railway for the purpose of conveying such materials from any land acquired or taken by the company to such railway or works." The company might take forcible possession of any piece of land they liked however valuable, for any number of years, without the consent of the owner--not by paying him the purchase money, but by paying him a rent the amount of which he has no share in fixing. A man might have a lot of land near a village, perhaps not intrinsically valuable now, but which might be well adapted for special times and of great prospective value; he might have a fine garden upon it or intend building a house upon it, but this company might step in and take possession of it and use it in quarrying or for any other purpose--and all the compensation of the owner was perhaps a trifle of 7s-6d an acre, for five or ten years, during which time its value might have become infinitely increased. He was surprised that any one should think of perpetrating such an injustice. The 27th clause gave the company power to construct any temporary wooden building within the limits of any municipality, notwithstanding the existence of any Bye-Law of the municipality prohibiting the erection of such buildings! He could understand how the city of Montreal for example might suspend their Bye-law in a particular case, but that ... this House should empower the Grand Trunk Company of their own issue to suspend bye-laws made for the protection and safety of the property of the citizens, he could not at all understand. The 30th clause was still more curious. It provided that all claims against the Grand Trunk Railway, or any branch thereof, should be absolutely prescribed within two years of the completion of

such railway, or branch, and the mere lapse of the said period should be an absolute bar to any action for the recovery or enforcement of such right or claim, for ever. For instance, all claims against the Quebec and Richmond Railway, which had been promised to be completed ere now, would at the lapse of two years from this present moment, be prescribed. All other debts had six years for prescription, but to the Grand Trunk Company must be given the extraordinary privilege of having its debts prescribed within two years! The whole Bill was of a piece with everything that had hitherto been done (sic) in connection with the Grand Trunk Company. Every interest, public and private, had been set aside, for their benefit, just as they wanted. He would not, however, oppose the second reading of the Bill, in the hope that the Railroad Committee would strike out the objectionable clauses, and on the condition that the honorable member who had charge of th[at] Bill would bring down the contracts and agreements referred to in the Bill before the House, previous to their going into Committee of the Whole upon it.¹⁰⁴

MR. CAUCHON could not agree with all the clauses of the bill.¹⁰⁵

MR. HINCKS said it was a matter of astonishment to him to see the rancorous (sic) feeling of hostility exhibited by the honorable member for Lambton on all occasions towards this company. The House had heard all those charges about no work having been done by the company in proportion to the amount of government assistance received, but he (Mr. Hincks) maintained that never had a Railway in Canada been treated with such hostility by the Legislature of Canada as this Grand Trunk Railway had been. From what Railway Company had the Legislature ever asked a contract but from this one? Had there been any contract asked for from the Great Western, which he was certain would receive a larger amount of government assistance, with the view of exposing it before the public? He contended that there had been no desire to avoid an investigation into everything connected with the Grand Trunk. He (Mr. H.) had been referred to what he had said about the contractors being men of such wealth that they would not want the guarantee, but he was perfectly certain that, if the money market had continued as it was then, they would never have wanted it. Circumstances, however, had changed very materially, and the Grand (sic) Trunk Railway had had to struggle through difficulties of the greatest description.¹⁰⁶ The hon. member for Lambton has actually carried his rancorous feelings so far as to boast--yes to boast--that the Grand Trunk Contractors would suffer loss in their undertaking.¹⁰⁷

MR. BROWN rose to order. It was not proper to identify him.¹⁰⁸

MR. HINCKS (interrupting) well,¹⁰⁹ not long ago the Globe newspaper even triumphed in the losses of those contractors, and boasted that they were likely to fail in consequence (sic) of the adverse state of matters.¹¹⁰

MR. BROWN.--No, no! It never did.¹¹¹

MR. HINCKS.--It said it would turn out that they had not made such good contracts after all. And the hon. member could not restrain even now a sneering allusion to the Quebec and Richmond Road, as if it were the fault of the contractors that it was not now completed.¹¹² He (Mr. H.) thought that manifested a most melancholy spirit. It must be patent to the House and the country that extraordinary difficulties had arisen (sic) in the way of this undertaking, which it was impossible to foresee; and the Company ought to be met with every indulgence instead of having more difficulties thrown in their way.¹¹³ The whole of it was completed except the Bridges, for which mechanics had been brought out at very great expense, but the state of the labour market was such that these

men could not be kept at their work, and if the contractors ventured to find fault, they would leave them at once. Only the other day, of 80 men who should be at work, only two could be kept at it. The contractors, however, were doing everything in their power to have the road completed. It was quite true that in the discussion which took place when the Grand Trunk Railway Charter was got, he had spoken of the importance of giving the contract to men of wealth. And he was satisfied now that we would have had no Railway, whatever, had not the contract been given to those men. The hon. member for Lambton had again referred to the loss sustained by the Province in not getting the money¹¹⁴, seven million loan¹¹⁵, from England. Now, so far as he (Mr. H.) was concerned, he looked upon it as the most fortunate event that had ever happened to him since he entered public life, that that arrangement broke down. Had it been carried out, it would have been ruin to the Province. If the hon. member had understood the only condition on which that money would have been given by the Imperial Government, he would have seen the utter ruin to the Province which it would have effected. The money was to be expended in the first instance between Quebec and Halifax.¹¹⁶

MR. BROWN.--The hon. gentleman will recollect that by his first scheme the money was to be expended on a road from Hamilton to Halifax, and it was maintained up to the last moment that the seven millions would be quite sufficient for the purpose. He would recollect that the scheme would never have been entertained unless on that basis, and also, that if the scheme was ruinous he (Mr. Hincks) was the parent of it.¹¹⁷

MR. HINCKS admitted that he had made those statements. He believed at the time that the road would be made at something like £5,000 a mile, and the road west of Quebec was to be made from the savings on the road between Quebec and Halifax. The Government only gave the money for the road between Quebec and Halifax, and that was to be made first, so that if they had got the money, the result would have been that it would all have been expended there, and the road west of Quebec would have had to be made at the expense of the Province, and would never have yielded the interest of the money spent upon it. In reference to the remarks of the hon. member for Lambton as to the extension of the Government guarantee, he would say that the guarantee had only been given on what the Act allowed it to be given. The amount of guarantee already given was £310,000 and the amount of expenditure which he had stated included all the contractors were entitled to under their contracts, and which had been certified by the engineers.¹¹⁸ Le bill ne propose pas de donner à la compagnie un seul sou de plus que lui donne la loi actuelle. S'il y avait quelque raison pour la réclamation qu'a faite M. Brown sur ce point, il (M. Hincks) voterait avec ce monsieur là-dessus.

Que le bill soit renvoyé au comité et qu'il soit réformé s'il est nécessaire; il s'agit maintenant seulement de savoir si la Chambre donnera à la compagnie toutes les facilités possibles, sans enfreindre les intérêts du public, ou si elle mettra des entraves à cette entreprise importante.¹¹⁹ He begged to say a word on another point which had been raised. It had never entered into his imagination to say that the contractors were going to take the whole nine millions sterling from their own private resources. That never was his idea. Men might be very wealthy and have large credit, and yet not be in a position to take out of their own private resources (*sic*) in order to construct a railway. But these parties were known in England, and possessed the confidence of British capitalists, and his idea was, that on the basis of that, English capitalists would advance their money in the same way as they had advanced money on other

railways undertaken by the same contractors in Italy, in France, and in Norway. The result had been quite satisfactory, and the whole amount would have been raised but for the change in the money market.¹²⁰ He still adhered to that view of the case; and he believed that as things have since turned out, a Canadian company would not have been able to obtain money at all for the undertaking. He believed that if his hon. friends (Messrs. Galt and Holton) were present, they would confirm that statement.¹²¹ It had not been thought expedient to bring out so large an amount of capital at once as the seven or eight millions, and it was therefore divided into the A series and the B series of shares, with the view of bringing out the first half at once, and giving the option of taking the second within twelve months. In making this arrangement there had been no unfair dealing on the part of the contractors. In fact, it was contrary to their own interest to make the arrangement, because if things did not look well at the end of a year, the whole of the B series of shares would be thrown back upon themselves. This had actually been the result. The position of monetary affairs had changed, and it had been found that it would be utterly useless to place the B series upon the market, and they had consequently been thrown back upon the contractors. Great loss would thus be sustained by these parties beyond what would have been the case in other circumstances, and the question was, whether it was wiser to try to crush these persons by placing increased embarrassments in their way, or to give them every facility which the Legislature had in its power to give. As regarded the Government Directors, he could assure the House that the Grand Trunk Company did not want any Government Directors, and if the House was disposed to relieve the Government Directors of those duties, the Company would have no objection. They were placed there to watch the proceedings of the Company on behalf of the Province, and he would like to know what interest they could have in occupying that position, as they did not possess a shilling of private interest in the road.¹²²

MR. BROWN said that what had fallen from the honorable member for Renfrew in reference to the position of the contractors, Messrs. Peto, Brassey, Jackson & Co., was precisely the position which he (Mr. Brown) and those who went along with him had taken up two years ago. He had asked, what if the money market should change? and the honorable gentleman replied there was no fear of such contractors being affected by that. But now that they saw the result was just what they had predicted, he (Mr. Brown) had been charged by the honorable member for Renfrew with cherishing a rancorous feeling of hostility towards the Company. He utterly repudiated having any such feeling, but he had objected at the very commencement to the road being taken out of the hands of Canadian contractors, for the benefit of these pet contractors; and his object now was to show, that the benefits held out by the ex-Inspector General as certain to be secured by giving it to the English company, had not been realized. He had no feeling against the Grand Trunk Company--they of course took a good contract when it was offered them--but he blamed the Government for giving them a charter of the nature they did. The honorable member for Renfrew had said that the Company were progressing rapidly with their works. Was that really the fact? Were the honorable gentlemen who took an interest in the road between Quebec and Trois Pistoles satisfied? Were those who took an interest in the road between Belleville and Georgian Bay satisfied? He knew that in his (Mr. Brown's) constituency there was great and just indignation at that part of the work being stopped. The people in that section had been most unfairly dealt with. Not only had those works been formally stopped, but in this Bill there was a new demand that power should be given to the Executive to authorize the Company to

put off the completion of all their works to any unknown day. The honorable member for Renfrew asked him to point out another company whose agreements had been asked for. But it should be borne in mind that the Grand Trunk Company occupied a different position from all others. In that company there were no bona fide stockholders at the time of the agreement; there was merely a bargain between the Government and the contractors. A bargain was made with Mr. Jackson, and then the affair was placed upon the English market, with the official stamp of the Province upon it. The prospectus declared that the annual profits of the scheme would be 117 per cent; and six Cabinet ministers had their names attached to it. And that being the case, would the honorable member for Renfrew tell this House that they had no right to know what that agreement was, so that they might be in a position to carry out the pledges which had been given to the people of England? The credit of the Province was not pledged in the same way to the Great Western, or to any other company. The honorable gentleman said that there never had been any desire to conceal matters with regard to the Grand Trunk Railroad. Had not he (Mr. Brown) made attempts over and over again to get information without succeeding? The Journals bore record of the fact. He was only glad that there seemed to be a different disposition now.¹²³

MR. ROBLIN referred to the gross misstatements fabricated by the Globe before the elections to make it appear that the whole works had stopped.¹²⁴ [He] denied that it was the case that nothing was doing on the line beyond Brockville. At various points very extensive works were going on.¹²⁵

MR. FREEMAN condemned strongly the unlimited power given in the Bill to construct branch railways, and with an unlimited time to construct them in.¹²⁶

MR. MACKENZIE made a long speech terminating about midnight.¹²⁷ [He] did not want Lower Canada operations to drag round his constituents a heavy chain of debt which had cursed the old world, and was in a fair way of cursing the new. He believed that already there was hardly any difference in amount between the debt of the United States and the debt of Canada. The public works of Canada, as they had hitherto been managed, were ruinous to the Province, and would scarcely yield a return of one per cent. Even the Welland Canal would not yield one per cent but for the American trade.¹²⁸ He predicted Provincial bankruptcy as the result of the public debt.¹²⁹

MR. MERRITT replied to the member for Haldimand's remarks on the Welland Canal, and asked whether it was not a matter of notoriety, that cost what it might, that work was one of the most profitable sources of revenue of the country.¹³⁰

(215)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Solicitor General Smith,

The House adjourned.

[QUESTION AND ANSWER RE: LOWER CANADA LANDS CONCEDED IN "CENSIVE" AND SUBJECT TO SEIGNIORIAL CHARGES.]

MR. JOBIN [asked a question].¹³¹

MR. AT. GEN. DRUMMOND stated ... that the Government did intend to introduce a declaratory measure to protect parties who had acquired lands or tenements in Lower Canada conceded in "censive" and charged with double rents, lods et ventes and other Seigniorial charges.¹³²

[POSTPONED MOTION RE: WINTER ROADS IN LOWER CANADA.]

A short discussion took place on a motion by MR. BELLINGHAM, in reference to the improvement of winter roads by the disuse of the traineau as a vehicle.¹³³

MR. AT. GEN. DRUMMOND ... intimated that he intended to introduce a provision on the subject into his municipal bill¹³⁴.

The motion was postponed for a month.¹³⁵

[WITHDRAWN MOTION RE: AN ADDRESS FOR A COMMITTEE TO ENSURE PROVINCIAL REPRESENTATION AT THE PARIS EXHIBITION.]

MR. FOLEY, who had given notice that he would move an Address to His Excellency, on the subject of the Provincial Committee appointed to ensure the Representation of this Province, at the World's Exhibition, to be held in Paris, in 1855, begged to withdraw his motion, the Government having now discovered the error of their ways, and rectified it. (Laughter.)¹³⁶

[DISCUSSION RE: POSTPONEMENT OF SEIGNIORIAL TENURE RESOLUTIONS; AND ON CLERGY RESERVES BILL.]

MR. AT. GEN. DRUMMOND asked leave of the House to postpone his resolutions on the subject of the Seigniorial Tenure, until the Bill on the same subject should be before, the House, to-morrow (Tuesday).¹³⁷

MR. BROWN.--Will not the Cler[g]y Reserve Bill be taken up to-morrow, according to the orders of the day? It would probably take up the whole time.¹³⁸

MR. AT. GEN. DRUMMOND replied that a strong desire had been manifested that both measures, the Clergy Reserve Bill and the Seigniorial Bill, should be proceeded with pari passu as much as possible. The course proposed was that the Clergy Reserve measure, as one involving very few details, should be brought up first, and the second reading got through, that the Seigniorial Tenure Bill should then be brought up and get a second reading and that both measures should be sent to the Committee of the Whole about the same time.¹³⁹

FOOTNOTES: 23 OCTOBER 1854.

1. GLOBE, 31 October 1854.
2. IBID.
3. IBID.
4. WESTERN PLANET, 8 November 1854.
5. GLOBE, 31 October 1854.
6. IBID.
7. IBID.
8. WESTERN PLANET, 8 November 1854.
9. GLOBE, 31 October 1854.
10. IBID.
11. IBID.
12. IBID.
13. MORNING CHRONICLE, 26 October 1854.
14. LE PAYS, 28 October 1854.
15. MORNING CHRONICLE, 26 October 1854.
16. IBID.
17. LE PAYS, 28 October 1854.
18. MORNING CHRONICLE, 26 October 1854.
19. LE PAYS, 28 October 1854.
20. MORNING CHRONICLE, 26 October 1854.
21. LE PAYS, 28 October 1854.
22. MORNING CHRONICLE, 26 October 1854.
23. LE PAYS, 28 October 1854.
24. MORNING CHRONICLE, 26 October 1854.
25. TORONTO LEADER, 28 October 1854.
26. MORNING CHRONICLE, 26 October 1854.
27. LE PAYS, 28 October 1854.
28. MORNING CHRONICLE, 26 October 1854.
29. LE PAYS, 28 October 1854.
30. LA MINERVE, 31 October 1854.
31. IBID.
32. TORONTO LEADER, 28 October 1854.
33. LA MINERVE, 31 October 1854.
34. TORONTO LEADER, 28 October 1854.
35. LA MINERVE, 31 October 1854.
36. MONTREAL GAZETTE, 26 October 1854. MORNING CHRONICLE, 26 October 1854, phrases the first sentence of this speech: "Mr. Solicitor General Smith was not induced to vote for the second reading." TORONTO LEADER, 28 October 1854, LE PAYS, 28 October 1854, and LA MINERVE, 31 October 1854, report Mr. Sol. Gen. Ross as the last speaker in this debate and make no mention of a speech by Mr. Sol. H. Smith. MORNING CHRONICLE, 26 October 1854, and MONTREAL GAZETTE, 26 October 1854, do not report Mr. Sol. Gen. D. Ross's speech.
37. MORNING CHRONICLE, 26 October 1854.
38. GLOBE, 31 October 1854.
39. MORNING CHRONICLE, 26 October 1854.
40. LE PAYS, 28 October 1854.
41. MORNING CHRONICLE, 26 October 1854.
42. MONTREAL GAZETTE, 26 October 1854.
43. TORONTO LEADER, 28 October 1854.
44. MORNING CHRONICLE, 26 October 1854.

45. GLOBE, 31 October 1854.
46. MORNING CHRONICLE, 26 October 1854.
47. IBID.
48. IBID.
49. TORONTO LEADER, 28 October 1854.
50. MORNING CHRONICLE, 26 October 1854.
51. IBID.
52. IBID.
53. TORONTO LEADER, 28 October 1854.
54. MORNING CHRONICLE, 26 October 1854.
55. TORONTO LEADER, 28 October 1854.
56. IBID.
57. MORNING CHRONICLE, 26 October 1854.
58. TORONTO LEADER, 28 October 1854.
59. MORNING CHRONICLE, 26 October 1854.
60. TORONTO LEADER, 28 October 1854.
61. MORNING CHRONICLE, 26 October 1854.
62. TORONTO LEADER, 28 October 1854.
63. MORNING CHRONICLE, 26 October 1854.
64. IBID.
65. TORONTO LEADER, 28 October 1854.
66. IBID.
67. IBID.
68. MORNING CHRONICLE, 26 October 1854.
69. IBID.
70. LA MINERVE, 31 October 1854.
71. MORNING CHRONICLE, 26 October 1854.
72. IBID.
73. IBID.
74. LE PAYS, 28 October 1854.
75. MORNING CHRONICLE, 26 October 1854.
76. TORONTO LEADER, 28 October 1854.
77. MORNING CHRONICLE, 26 October 1854.
78. GLOBE, 31 October 1854.
79. TORONTO LEADER, 28 October 1854.
80. GLOBE, 31 October 1854.
81. MORNING CHRONICLE, 26 October 1854.
82. GLOBE, 31 October 1854.
83. IBID.
84. MORNING CHRONICLE, 26 October 1854.
85. GLOBE, 31 October 1854.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. LE PAYS, 28 October 1854.
91. GLOBE, 31 October 1854.
92. IBID.
93. IBID.
94. MORNING CHRONICLE, 26 October 1854.
95. GLOBE, 31 October 1854.
96. MORNING CHRONICLE, 26 October 1854.
97. GLOBE, 31 October 1854.

98. MORNING CHRONICLE, 26 October 1854.
99. MORNING CHRONICLE, 26 October 1854. LE PAYS, 28 October 1854, indicates "Le fait est que la compagnie a déjà dépensé £3,000,000 sterling, comme suit, savoir: sur la section entre Québec et Trois-Pistoles £165,131; entre Québec et Richmond £191,000; pour l'extension du chemin de Québec de Richmond £47,000; entre Montréal et Toronto £1,131,000; pour le Pont Victoria £107,000; pour bateaux à vapeur pour les traverses £98,000; entre Montréal et Portland £787,000, y inclus les matériaux préparés."
100. GLOBE, 31 October 1854.
101. MORNING CHRONICLE, 26 October 1854.
102. GLOBE, 31 October 1854.
103. IBID.
104. IBID.
105. MORNING CHRONICLE, 26 October 1854.
106. GLOBE, 31 October 1854.
107. MORNING CHRONICLE, 26 October 1854.
108. MONTREAL GAZETTE, 26 October 1854.
109. MORNING CHRONICLE, 26 October 1854.
110. GLOBE, 31 October 1854.
111. IBID.
112. IBID.
113. MORNING CHRONICLE, 26 October 1854.
114. GLOBE, 31 October 1854.
115. MORNING CHRONICLE, 26 October 1854.
116. GLOBE, 31 October 1854.
117. IBID.
118. IBID.
119. LE PAYS, 28 October 1854.
120. GLOBE, 31 October 1854.
121. MORNING CHRONICLE, 26 October 1854.
122. GLOBE, 31 October 1854.
123. IBID.
124. TORONTO LEADER, 30 October 1854.
125. GLOBE, 31 October 1854.
126. IBID.
127. TORONTO LEADER, 30 October 1854.
128. GLOBE, 31 October 1854.
129. TORONTO LEADER, 30 October 1854.
130. GLOBE, 31 October 1854.
131. Telegraph (MORNING CHRONICLE, 24 October 1854.)
132. Telegraph (MORNING CHRONICLE, 24 October 1854.)
133. GLOBE, 31 October 1854.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.

TUESDAY, 24 OCTOBER 1854.

(215)

MR. SPEAKER acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the twentieth day of September last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of St. Hyacinthe, (Horace St. Germain, Esquire,) Returning Officer ex officio for the County of Bagot, for the election of a Member to represent the said County of Bagot in the Legislative Assembly of this Province, in this present Parliament, in the room of Timothée Brodeur, Esquire, whose Election as the Representative of the said County of Bagot had been declared void, Timothée Brodeur, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the twentieth day of October instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,
Quebec, 24th October, 1854.

Félix Fortier,

Clerk of the Crown in Chancery.

To William B. Lindsay, Esquire,
Clerk, Legislative Assembly.

Mr. Speaker laid before the House,--Copy of a Proclamation relative to the Public Health, pursuant to the provisions of the Act 12 Vic. cap. 8, sec. 8; and the same is as followeth:--

(216)

Province of Canada.

By His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

To all to whom these presents shall come--

GREETING:

A PROCLAMATION.

(Signed,) L.T. Drummond, WHEREAS in and by an Act of the Legislature of this Atty. Gen. Province made and passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to make provision for the preservation of the Public Health in certain emergencies," it is amongst other things enacted, that whenever this Province, or any part thereof or place therein, shall appear to be threatened with any formidable Epidemic, Endemic or Contagious Disease, the Governor of this Province may, by Proclamation to be by him, from time to time, issued by and with the advice and consent of the Executive Council of this Province, declare the said Act to be in force in this Province, or in such part thereof or place therein as may be mentioned in such Proclamation, and the same shall thereupon become and be in force accordingly; and that His Excellency may in such a manner from time to time as to all or any parts or places to which any such Proclamation may extend, revoke or renew any such Proclamation, and subject to such revocation or renewal as aforesaid, every such Proclamation shall have effect for six calendar months, or for such shorter

period as in such Proclamation shall be expressed: And whereas I, the Governor of this Province, did on the first day of July last past, by and with the advice and consent of the Executive Council of the said Province, exercising the power in me vested by the said Act, issue my Proclamation declaring the said Act to be in force in the said Province from and after the date thereof, and that the same shall continue in force for and during the period of six calendar months, unless the said Proclamation should be sooner revoked and recalled according to the said Act: And whereas it appears that in the judgment of the Central Board of Health, the Cholera, which lately prevailed in this Province, no longer bears an epidemic character, and that under Divine Providence the time has arrived for withdrawing the operation of the said Act: Now, know ye, that by virtue of the power in me vested by the said Act, I, the said Governor of this Province, by and with the advice and consent of the Executive Council thereof, do hereby revoke and recall the said Proclamation of the first day of July last declaring the said Act in force as aforesaid in the said Province.

Given under my hand and Seal at Arms at Quebec, this eleventh day of October, in the year of Our Lord one thousand eight hundred and fifty-four, and in the eighteenth year of Her Majesty's Reign.

(Signed,) Elgin & Kincardine.

By Command.

(Signed,) P.J.O. Chauveau,
Secretary.

Mr. Speaker also laid before the House,--List of the present Directors, President, Vice-President, and other Officers of the Montreal and Bytown Railway Company, with a Statement shewing the number of Shares subscribed, and the amount already paid on account of such Shares, received in pursuance of the Order of this House of the 28th September last.

For the said List and Statement, see Appendix (F.F.)

(217)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Polette--The Petition of Mrs. Brigitte Gosselin, of the City of Quebec, widow of the late Augustin Laperrière.

By Mr. Chisholm,--The Petition of Robert Defries, Post Master to the Legislative Assembly.

By Mr. Prévost,--The Petition of Amable Jetté and others, of the Parish of St. Félix de Valois, and others, of the County of Berthier.

By Mr. Frazer,--The Petition of Robert Spencer and others, of the Township of Thorold, County of Welland.

By Mr. Clarke,--The Petition of the Municipal Council of the County of Grey.

By Mr. Darche,--The Petition of Moïse Grisi and others, of the Parish of St. Bruno, County of Chambly.

By Mr. Angus Morrison,--The Petition of Charles N. Tripp, of the City of Hamilton, on behalf of himself and others.

By Mr. Crawford,--The Petition of the Loyal Orange Lodge of Lanark, No. 448.

By Mr. Bell,--The Petition of William Griffin and others, of the Township of Elizabethtown.

By Mr. Felton,--The Petition of E. Short, Esquire, and others, of the Town of Sherbrooke and vicinity; the Petition of William Brown and others, of Kingsey, County of Drummond; the Petition of Thomas C. Allis and others, of Shipton, County of Sherbrooke; and the Petition of Thomas Donegan and others, of the Township of Tingwick, County of Drummond.

By Mr. Freeman,--The Petition of Jacob Rynal and others, of the Township of Barton.

By Mr. Joseph Curran Morrison,--The Petition of the Reverend J.B. Mowat and others.

By Mr. Gould,--The Petition of P. Hurd and others, of the Township of Reach.

By Mr. Gamble,--The Petition of W. Gamble, Esquire, and others, Millowners, and others; and the Petition of the Municipal Council of the County of Grey.

By the Honorable Sir Allan N. MacNab,--The Petition of William P. McLaren and others.

By Mr. Valois,--The Petition of James Mason and others residing on the proposed line of the Montreal and Kingston Railway.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Ninth Report of the said Committee; which was read, as followeth.--

Your Committee have examined the Petitions of the Sydenham Harbour Company, and of W.H. Smith and others, of the Province of Canada, Shareholders in the Provident Life Assurance and Investment Company, and find that the requisite Notices have been given.

The Petition of the President and Directors of the Upper Canada Mining Company prays for a certain amendment to their Act of Incorporation, which is of such a nature as not to come (in the opinion of Your Committee) within the terms of the 62nd Rule.

Ordered, That Mr. Chisholm have leave to bring in a Bill to amend the original Act incorporating the Upper Canada Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of MR. SOL. GEN. H. SMITH¹,

(218)

Resolved, That a Message be sent to the Legislative Council, to inform their Honors, that this House do give leave to William Rhodes, Esquire, a Member of this House, if he thinks fit, to attend and give evidence before the Select Committee of the Legislative Council appointed to enquire into the accusations made against the Members of the late Administration.

Ordered, That Mr. Solicitor General Smith do carry the said Message to the Legislative Council.

Ordered, That the Bill for the relief of a Religious Congregation at Montreal denominated the German Evangelical Church, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That Mr. Felton have leave to bring in a Bill to provide for the appointment of Crown Prosecutors in each District, and of Associate Coroners in each County in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. MCKERLIE moved for leave to introduce a Bill providing for the election of Mayors of Cities and Towns, and Wardens of Counties in Upper Canada, directly by the Electors.²

MR. HINCKS said there was no movement on this subject among the people of Upper Canada. It was solely a movement of the hon. member for Brant.³

AN HON. MEMBER suggested that a provision should be added, providing for the election of the Speaker of the House of Assembly, directly by the people. (A laugh.)⁴

(218)

Ordered, That Mr. McKerlie have leave to bring in a Bill to provide for the election of Mayors of Cities and Towns, and Wardens of Counties in Upper Canada, directly by the Electors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. J. DORION (Drummond) propose que la pétition des habitants de Drummond et Arthabaska soit référée à un comité spécial. L'objet de la pétition est de se plaindre de la manière dont les deux comtés ont été constitués en vertu du Bill de représentation.⁵ In supporting his motion, the hon. member stated that the present electoral division was 126 miles in length, and that its population within the last ten years had increased to a greater extent than that of any other district in Lower Canada.⁶ Le comté est d'une étendue si considérable, et d'une population si forte qu'il doit avoir bien plus d'influence dans la Législature qu'il n'en possède d'après la division actuelle du territo[i]re. Ce comté est un des plus grands et des plus florissans du Bas-Canada; ayant en 1814, une population de 9,000 âmes seulement, elle s'était déjà augmentée en 1852, à 16,562. La loi de représentation a fait un certain changement, mais la population est encore de 15,721. Si l'on compare cette population avec celle d'autres comtés, l'on trouvera que le comté de Hochelaga, (Montréal) n'a que 10,420 âmes; celui de Jacques Cartier (Montréal) 8,146; celui de Laval 11,053, formant en tout 30,719 (*sic*) et envoyant trois représentans en Chambre. Le comté de Laval pourrait être divisé en deux et chaque partie ajoutée aux comtés de Montréal. Par ce moyen, ces deux comtés qui n'augmentent pas beaucoup en population car il n'y a plus de place, aurai[en]t chacun 15,000 âmes, et les deux comtés Drummond et Arthabaska étant séparés, pour leur accorder chacun un membre, rétablirait ainsi la balance de la représentation, et ce serait rendre justice à ces comtés qui ont droit de s'y attendre.

Voilà, dit-il un mode de régler la question, et il peut y en avoir plusieurs autres désignés par un comité spécial auquel les requêtes seraient référées.

En comparant les comtés du district des Trois-Rivières on trouvera que les comtés de Champlain, Maskinongé, St. Maurice, et Trois-Rivières, au nord du fleuve, avec une population de 44,547 âmes, envoient quatre membres à la Chambre, pendant que les comtés de Drummond, Nicolet et Yamaska, avec une population de 50,126, n'en envoient que trois. Les deux comtés unis d'Arthabaska et Drummond ont une longueur de trente-trois à quarante lieues; ils ont dix-sept townships, et tous ces townships sont habités.⁷

MR. A. DORION (Montreal) supported the motion.⁸

MR. COM. CR. LANDS MORIN and MR. SOL. GEN. H. SMITH opposed it, on the ground that it would be unwise for the present to re-open the late settlement of the Representation system⁹, et surtout la question de la représentation suivant la population. Si ces comtés souffrent quelque injustice, il y a d'autres comtés qui ont aussi à se plaindre, et on ne peut refaire tout le système de représentation pour un seul comté.¹⁰

MR. FELTON parle en faveur de la motion pour référer ces requêtes à un comité sp[é]cial, car il croit qu'il y aurait moyen d'en faire quelque chose.¹¹

MR. PAPIN ... [parla] en faveur de la proposition¹².

(218)

Mr. Jean Baptiste Eric Dorion moved, seconded by Mr. Aikins, and the Question being put, That the Petition of Charles Charpentier, Senior, and others, of the Village of L'Avenir; the Petition of N.A. Beaudet and others, of the Parish of St. Christophe d'Arthabaska; the Petition of Noël Hébert and others, of St. Norbert d'Arthabaska; the Petition of Charles Héon and others, of the Township of Blandford; the Petition of Stanislas Picher and others, of the Township of Bulstrode; the Petition of T. Paradis and others of the Parish of St. Guillaume d'Upton; the Petition of Pierre Croteau and others, of the Township of Warwick, County of Arthabaska; and the Petition of Louis Richard and others, of Stanford, complaining of the division of the Counties, and praying for justice by the division of the Counties of Drummond and Arthabaska, so as to permit each County to elect a Representative, be referred to a Committee of eleven Members, composed of the Honorable Mr. Morin, Mr. Desaulniers, Mr. Thibaudeau, Mr. Foley, Mr. Valois, Mr. Gould, Mr. Papin, Mr. Sanborn, Mr. Aikins, Mr. Frazer, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Charles Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Flint, Foley, Frazer, Freeman, Galt, Gill, Hartman, Holton, Jobin, Laberge, Roderick McDonald, McKerlie, Marchildon, Mattice, Merritt, O'Farrell, Papin, Prévost, Thibaudeau, Valois, and Wright.--(32.)

(219)

NAYS.

Messieurs Bell, Bellingham, Biggar, Blanchet, Bowes, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Crawford, Crysler, Jean B. Daoust, DeLong, Dostaler, Attorney General Drummond, Fergusson, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Huot, Labelle, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Polette, Poulin, Robinson, Roblin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Turcotte, and Yeilding.--(64.)

So it passed in the Negative.

The Order of the day for the second reading of the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;¹³

The Honorable Mr. Attorney General Macdonald moved, seconded by the Honorable Mr. Cayley, and the Question being proposed, That the Bill be now read a second time;

MR. AT. GEN. J.A. MACDONALD rose to move the second reading of the Clergy Reserves Bill. The history and present position of the question were well known; and he should therefore confine himself to a few explanations connected with the bill. He said there was a desire among gentlemen opposed to the government, but in favor of secularization, that the discussion, which should be

full and open, should take place rather on the question going into committee than at the second reading.¹⁴ He then alluded to a proposition made by the hon. member for Lambton (Mr. Brown) on the first reading, that the proceeds of the Reserves should be carried at once into the Consolidated Revenue Fund, and the stipends of the Incumbents made a charge upon that fund. That was a matter which had come under the notice of the Government, and perhaps it would be the best mode, if the law allowed them to have recourse to it, of putting an end to the Clergy Reserves altogether as a separate fund. But they were prevented from doing so by an express provision in the Imperial Act, that the Fund should continue to be kept up. They were thus precluded from entertaining the suggestion which would have met his (Mr. Macdonald's) view, had it been possible to carry out; but to adopt that mode would involve the certainty of the Bill being rejected at home, and so far of postponing the measure. Having read the clause in the Imperial Act, which he considered susceptible of the interpretation he had put upon it, Mr. Macdonald said that another objection to the proposal would be that the incumbents would oppose it as putting their interests in jeopardy. They would say, that so long as there was a special fund sacredly set apart by the Imperial Act, under no circumstances could their interests be affected during their lives. But it would be quite a different thing if this fund were swept away, and they had to trust to the general revenue of the Province which might be affected by political exigencies or by the action of the Legislature, or by any casualties similar to those which had on former occasions prevented the Province of Upper Canada from meeting its engagements. The incumbents could not be expected to allow themselves to be placed in that position of uncertainty, as regarded their future stipends. A desire had been expressed by many hon. gentlemen opposed to the administration, but in favor of secularization, that the discussion should be full, but it had been thought that it would come on more properly on the question of going into Committee rather than on the second reading. To that course he had no objection. Those gentlemen who were opposed to secularization would of course adopt any mode they pleased of opposing the Bill at any stage.¹⁵

MR. ROBINSON said if the hon. member who had introduced the bill wished to have it read a second time to-night, he should not be the first to object.¹⁶ As there seemed to be a desire that there should be no discussion at present, he refrained from dividing the House, but not because he had in any way changed his opinion on the Bill.¹⁷

MR. SICOTTE the SPEAKER put the question upon the second reading¹⁸.

MR. MURNEY rose ... after a brief silence ... and asked¹⁹: Is it possible, Mr. Speaker, that the days have arrived in Canada, when a great question such as this which has agitated the country for so many years, can be allowed tacitly and quietly to pass, without any advocates of principles long maintained getting up and speaking on behalf of those principles which they have advocated all their lives? That the measure will pass, I think there is no longer a doubt, but it is surprising that none should stand up to defend what was on all hands considered a final settlement.²⁰ An Imperial Statute of 1791 should be as sacred in the eyes of colonists as an Imperial statute of 1853, or one of 1840 as sacred as that of 1853. The power of legislation cannot upset a fixed principle, or permit us to turn right into wrong.²¹ If hon. gentlemen on the Treasury benches choose to assume the responsibility of settling the question, as they term it, let them settle it, but I maintain that there can

be no final settlement of this question. The term finality was used in regard to a former settlement, but it is now ascertained that that was all nonsense. Neither can there be any finality now, but succeeding Parliaments will have the right to upset what we are doing. If you set apart a separate fund for incumbents, that fund will as much raise agitation in the country hereafter as the great question itself has done on former occasions. The insinuation has been thrown out that I am not so much opposed to this matter, as I am opposed to certain members of the administration. I was astonished to hear that insinuation thrown out. I am opposed to many members of that administration, but not personally so. I am opposed to them on principle. I cannot understand gentlemen giving up the advocacy of great principles in a moment, and without any reasons assigned for it. These are the reasons why I occupy the extraordinary position of standing alone against those with whom I have always previously acted. I shall oppose the measure in every stage, and shall continue to maintain that upon the shoulders of those who have introduced it rests a serious sin, politically, morally, privately, and religiously, which they will regret all the rest of their lives.²²

MR. POWELL stated his intention, when the House went into committee on the question; to move a year's postponement of the measure and its submission to the people.²³

MR. BOWES reserved his opposition till the bill came before the Committee of the Whole. At that stage he would give it all the opposition in his power.²⁴

MR. A. DORION, of Montreal, spoke in French²⁵. Lorsque ce projet de ... loi a été introduit, il a exprimé les raisons qui le porteraient à s'opposer à quelques-unes de ses dispositions, et surtout à celle qui pourvoit à la division du fonds des Réserves entre les deux sections de la province. Il ne peut sanctionner ce principe qui tend à séparer la propriété appartenant au pays en commun; et depuis la première lecture du bill il a été plus que jamais convaincu que les opinions qu'il a alors exprimées sont bien fondées. Au lieu de distribuer les Réserves du Haut-Canada entre les municipalités du Haut-Canada seulement, et celles du Bas-Canada entre les municipalités du Bas-Canada seulement, toute la propriété doit être placée dans un fonds commun, dont partie doit être affectée pour les frais d'éducation. Il n'y a rien de si important que d'assurer au peuple de la province les moyens de lui fournir une bonne éducation, et on ne doit pas laisser passer l'occasion de le faire. Les Réserves se composent d'un montant considérable d'argent, et d'une grande étendue de terre. Il y a dans le Haut-Canada, 1,000,000 ou 1,500,000 arpents de terre, et dans le Bas-Canada 500,000 arpents de terre; dans le Haut-Canada £549,506, et dans le Bas-Canada £74,741 en argent. A première vue cette différence paraît être très considérable, mais elle ne le paraît pas autant quand on considère les allocations dont le fonds dans chaque partie de la province est grevé. Les salaires du clergé dans le Haut-Canada se montent à une somme annuelle de £36,452, pendant qu'ils ne sont que de £21,482 dans le Bas-Canada. Ainsi pour capitaliser ces annuités, £500,000 environ seront requis dans le Haut-Canada, et £34,000, seulement dans le Bas-Canada. Après déduction des charges du capital dans les deux parties de la province, il ne restera dans le Haut-Canada que £49,706, et dans le Bas-Canada £40,774. L'avantage en faveur du Haut-Canada est donc presque limité à l'excédant des terres qui sont situées dans cette partie de la province sur la quantité de celles qui sont dans le Bas-Canada, et il croit que cet avantage n'est pas une chose assez importante pour faire désirer aux Haut-Canadiens d'introduire un mauvais principe.

Tous les procédés de la Législature depuis 1841, sont opposés à ces distinctions; tous les biens du Bas-Canada, tombèrent lors de l'union dans ... et le Haut-Canada était alors chargé d'une dette bien lourde dont le Bas-Canada paie encore les intérêts en commun avec le Haut-Canada. Si donc l'on a adopté un principe qui depuis l'Union a été à l'avantage du Haut-Canada, le même principe doit recevoir son application aujourd'hui qu'il peut être utile au Bas-Canada. Il n'a pas été un de ceux qui ont désiré l'union, et peut-être ne regretterait-il pas de la voir rompre; mais tant qu'elle existera les deux parties doivent en retirer en commun les avantages, comme elles doivent en supporter les charges. Il fera une autre observation que voici: c'est que le fonds des réserves ne doit pas être donné aux municipalités. Il croit qu'un fonds pour pourvoir à l'établissement des écoles est très nécessaire surtout dans le Bas-Canada; £500,000 au moins doivent être destinés à cette fin. Quand le projet de loi sera discuté en comité général, il proposera un plan qui, comme il [l']espère, devra satisfaire les deux sections de la Province, et tendra à promouvoir l'entente cordiale qui doit régner entre elles.

Il ne s'oppose donc aucunement au principe du bill, mais seulement à la manière de disposer des fonds provenant de la propriété après sa conversion. Il veut que les réserves soient abolies immédiatement, que les revenus soient versés dans le fonds du revenu consolidé, et que les bénéficiaires actuels aux allocations nécessaires pour remplir les conditions de l'Acte Impérial, soient payés à même les revenus consolidés; enfin que tout ce qui peut en rester soit distribué immédiatement. Quant à l'objection du Procureur-Général (ouest), il ne la croit pas fondée. Il ne voit rien dans l'Acte Impérial qui rende nécessaire un fonds spécial. Tout ce que demande cet acte, c'est que les réserves ne soient pas abolies sans pourvoir au paiement des salaires des bénéficiaires actuels.²⁶

MR. LARWILL was glad that the hon. member had done speaking for he did not understand a word of what he had said. As a far larger number of members could speak and understand English than French he hoped that members would more frequently speak English.²⁷ [He] was surprised that the intelligence of the ministry could have ever prompted them to the introduction of this bill. It was a dark subject (laughter).²⁸ He should commence the discussion of this question by going to Sabastopol (sic). Everybody had heard of that place. Every member knew how the whole world had been hoaxed by the statement of its downfall. Now, it was much easier to hoax a small Province.--Canada had been so hoaxed. It had been said, that the country had given an unequivocal expression of opinion at the late Election, in favor of Secularizing the Clergy Reserves. This was a great mistake, and thanks to his hon. friend, the Member for Haldimand, he was in a position to prove it. That hon. Gentleman had moved, a few days ago, to have the returns of the late Election published. It was objected to by several parties from the fact that it would cost a something, and when published be of little or no use. He would be able to prove the contrary, and what was more, he would recommend Members to read such documents when they were published. He would particularly call the attention of the Lower Canadians to the facts which he was about to present--facts founded upon figures. He would show how they had been hoaxed; how a great untruth had gone forth; how the people had believe (sic) it--and they had a right to believe it, because it emanated from a source which had ever been considered the fountain of honor and truth. That untruth had shook the country to its centre; it had turned out one Government, and had replaced it by another. It had deceived the Members of the House. And who was responsible for this but the present

Government? Had they investigated the matter as they ought to have done, they never would have stood up in that House, and, over and over again reiterated what was untrue. Let us look at their faith. It appeared in the returns that in the following constituencies, no contest took place: Glengary, Kingston, Lincoln, Niagara, Oxford, Peterboro, Prescott, Simcoe, and Wellington. The gentlemen who represent these places were all old Members, and were elected, either from their experience in the Legislature or personal popularity. Was there any thing in these elections showing that an unequivocal expression of opinion was given upon the Reserve question? If so, it was in opposition to their being secularized. But we would go to fact No. 2.--In the following counties, there were three, four, and in some, five candidates: South Riding Wentworth, South Riding Ontario, West Riding Middlesex, Leeds, North Riding Grenvill[e], North Riding Lanark, West Riding Brant, Russell, Renfrew, Kent, and Grey. Would hon. Gentlemen say, that in these counties an unequivocal expression of opinion had been given? Would the hon. Member for Lambton say that in his (Mr. L's.) county such an opinion had been given, and that he (Mr. L.) expressed it? No.²⁹

MR. BROWN said certainly not.³⁰

MR. LARWILL [continued:] And he ... would say, that neither did he, Mr. Brown, express the opinions of the Electors of Lambton, upon that subject. Mr. Brown had been returned by Conservatives. The Orangemen in Lambton had voted for that gentleman in a body; were they secularizers? That county had been contested by two Reformers; had a Conservative run he would have beaten both of them;--the county was decidedly Conservative. There were other constituencies in which like circumstances had occurred. Here, then, we have twenty constituencies, in which it must be admitted that no unequivocal expression of opinion had been given. He (Mr. L.) would now go to fact No. 3. He would take the towns of Niagara, Cornwall, London, Hamilton. The hon. and gallant Knight had said, could any Government expect to stand one hour after the vote of last night, of 95 to 15, in favor of Secularization, unless they did secularize. But the hon. Member for Hamilton did not tell this House how he got these votes, but he (Mr. L.) would do so. The Lower Canadians had said, time after time, it was not a question in which they wished to interfere; if the Upper Canadians were satisfied, they would not oppose it. Here, then, we have one-half of the Members of the House voting upon the assertion from the Throne, that an unequivocal expression of opinion had been given by Upper Canadians upon the subject. This had deceived them. He (Mr. L.) would deceive them: he would say that Upper Canada had not even given a majority in favor of the measure. We had already disposed of one-half. And now by looking at the population of the towns before mentioned; they would find that Toronto had a population quite equal to the whole of them, yet, that large commercial and conservative city was represented in that House by only two Members. Perhaps it was from data like this that hon. gentlemen on and off the treasury benches, drew their conclusions that an unequivocal (*sic*) expression of opinion had been given by Upper Canada upon the subject of the Reserves; or, it might be from fact No. 4, which he would now call the attention of the House to. It was this: the hon. Member for the East Riding of Brant represents a constituency of about 13,000; he received altogether 219 votes; his majority was one, and that one, a Negro.--He (Mr. L.) would ask, does that gentleman represent the county of Brant, upon the Reserve question; hon. Members would say most unequivocally. Fact No. 5: the hon. Member for the town of Cornwall represents a population of 1,600; that gentleman was a secularizer. The hon. Member

for Carlton--Mr. Powell--represents a population of 23,000; the latter gentleman is opposed to secularization. Was this the sort of evidence which had been pronounced unequivocal. But he (Mr. L.) had not yet done; he would now point the House to fact No. 6. There were thirty-one Ridings containing a population of 456,305; there were twenty-five counties representing an equal amount of population, within twenty-two thousand. Was it from a fact of this sort that hon. gentlemen had come to a conclusion such as they had, or, was it from the fact that there was half-a-dozen contested elections to be tried by that House, or, was it from the very small majorities given in several constituencies, or, was it from the fact that throughout Canada not one-third of the whole number of votes were polled? He (Mr. L.) dared contradiction as to the correctness of his statements. One gentlemen (sic) on the ministerial side, had observed in the course of the debate that he had been pained at seeing something in a newspaper. He (Mr. L.) had seen much and heard much in that House which he not only felt pain for, but pity, and in some instances contempt. Who could but feel himself humiliated when they looked at the position of the country; at the position of that House; at the position of the hon. gentlemen who sat upon the treasury benches, and knew what was manifest now--that a great untruth had produced the whole. He would not detain the House longer, but would suggest that a Committee be appointed to report upon the facts he had stated.³¹

MR. BROWN said--I only rise for the purpose of stating that in reserving to a future stage the discussion of the Bill, we merely vote for the principle of secularization, and do not commit ourselves to its details. I have already stated the strong objections held by this side of the House to the measure, that it is not final, but leaves the matter upon such a footing that it may still disturb the peace of the country. I think some measure might be framed which would settle the matter at once and definitely, and bear a final settlement on its face. The honorable Attorney General has admitted the principle that it would be desirable if such an amendment could be made on the Bill, but he has stated that there were two great objections to that course, two great difficulties in the way of it. The first difficulty is the clause in the Imperial Act for the settlement of the Clergy Reserve question. I think, however, that the language of that clause will not bear out the interpretation which the honorable gentleman has put upon it. That clause only provides that we shall not apply to any other purpose the portion of the fund which is necessary to meet the claims of the existing incumbents during their lives. Neither we do, according to the plan I have suggested. All we propose is that the proceeds, investments, interest, &c., shall all be invested in the Crown for the payment of those stipends and allowances. That would be applying the proceeds precisely in the way prescribed by the Act. There is nothing said in the Act about a special fund, and supposing there was, what would be the effect of it? According to the plan of the Bill the special fund would be the investment of the proceeds in Provincial Debentures. But, is not the putting of the stipends on the consolidated revenue just as good a security as providing for them by an investment in Provincial Debentures? The essential point we seek is to extinguish the whole Clergy Reserve fund at once by throwing it over upon the consolidated revenue, and I think we can effect this without any contravention of the Imperial Act. The second objection is that the clergy would not consent to it. I am astonished that the honorable Attorney General should make use of such an argument. If they are willing to take the debentures of the Province, they will surely be willing to take the solemn pledge of the country that they will be paid out of the consolidated revenue.

If the country were disposed to repudiate the one, they could as rapidly repudiate the other. (Hear, hear.) But there is no necessity for pressing that matter now. At the next stage of the Bill, when the House goes into committee on it, I will be prepared to offer amendments which I think would bring the matter to a final settlement. I can assure honorable gentlemen opposite that it is the desire of this side of the House to facilitate the settlement of the question in a way that will be final, but certainly not in a way that will leave the matter open for future agitation, or admit of commutation with church bodies. No such settlement will give satisfaction to the country, and I am satisfied that the Bill of the honorable Attorney General, in its present shape, will not give satisfaction. (Hear, hear.)³²

CAPT. RHODES. As it did not appear to be the desire of the House to go into debate upon the second reading of the Bill, he was disposed to bow to that feeling but he wished to state that he was entirely opposed to the bill--its clauses were unjust to the people of that part of Canada which he (Mr. R.) represented.³³

MR. LANGTON thought it would be well, if there were any objections in the minds of hon. members to any particular principle of the Bill, that these should now be fully stated, so that if it appeared faulty to the majority of the House, it might be amended on the question of going into Committee. There was one portion of the principle of the Bill from which he entirely dissented, and his dissent from which he wished to record at this early stage. In some respects he considered the present measure on improvement on that submitted by the late Administration. The mere change of the name of the fund was something, and it was a still greater advantage that a provision was made in this Bill for bringing the fund speedily to an end, by dividing the surplus principal, instead of merely appropriating the interest from year to year.³⁴ The principle (*sic*) will have to be appropriated yearly, and at the death of the last incumbent, there will be an end of the fund. He (Mr. L.) agreed with the hon. member for Lambton, and he believed every hon. member would be of the same opinion that it would be advisable if they could to get rid of this special fund, and make all the annuities of the present incumbents chargeable upon the consolidated Revenue. He (Mr. L.) did not know whether the Attorney General's interpretation of the Imperial Act was correct and that they were obliged to keep up this special fund, or not. He (Mr. L.) agreed with the Attorney General, that the Crown Lands or Clergy Reserves should not be resumed or bought.³⁵ It would be desirable to get rid of the special fund out of which it was intended to pay the annual stipends; but the Attorney General said the Imperial Act rendered this impossible; and he had no doubt from the hon. member's superior knowledge of the mode of interpreting acts of Parliament that he was right. There could be no claims other than those of individuals.³⁶ The great objection, however, that he entertained towards this Bill was the same as he had urged against the former one, the fact of its recognizing religious bodies. (Hear, hear.) He contended that this was entirely foreign to the whole principle of the Bill and of the Imperial Act, which was to do away with all connexion between any religious body and the State, and to deal merely with individual incumbents. No vested right was recognized in the Imperial Act as existing in any religious body. It was merely the rights of individuals that were recognized. If any religious body had a right to receive a certain portion of this fund, they could not reduce that right. They could not say that it should exist for a certain number of years and then stop. An individual

would die, and then there was an end to his claim, but a religious body never died. If they recognized a right at all in a religious body, that body would have as great a right ten years hence as now. He was not aware that any such compact as would create a right, had been made with any religious body in this country. It might be that the Crown had promised certain payments to those bodies, and that on the strength of these promises, those bodies might have promised certain salaries to incumbents. If that were the case, the Province would be bound to make good the acts of those bodies as regarded those individuals, but they could not go farther. He understood that certain of those bodies did not recognize the rights of any individuals as connected with the fund. They did not recognize incumbencies, and if so, it appeared to him that the Legislature could not recognize those bodies. If they once admitted the principle that they had to do, not with an individual, but with denominations, it was tantamount to admitting a connexion between Church and State, and if they acknowledged a right as existing in any denomination, it would be a positive injustice to limit it, by saying that it should expire ten or a hundred years hence. It was his intention, therefore, at the proper time to move an amendment embodying his views on this point.³⁷

MR. GAMBLE was entirely opposed to the Bill. The matter had been agitated and kept before the public as long as he could remember; but because that had been the case, he did not think that right should be done away, and that wrong should be perpetrated. If he was able to understand the first Constitutional Act of the Province, he believed it was the intention of that Act to set apart a portion of the lands of the Province for the support and maintenance of a Protestant Clergy in all time to come, and he did not believe that it was originally intended to apply them for the benefit of any other denomination than the Church of England. That opinion had been overruled³⁸ in England³⁹, but he felt, as one of those who had been born in this country--as one of those whose parents had emigrated to this country after the American Revolution, and who came in consequence of certain offers held out to them, among which were the provisions of this constitutional Act--he felt, when this property was applied to other purposes, that he was deprived to a certain extent of that which was his birthright.⁴⁰ He intended to move an amendment which could not be moved at any other time than the second reading, because it went to the principle of the bill. When we proposed to take this property, and devote it to secular purposes, we proposed to take what did not belong to us, but which had been given for the support of a Protestant Clergy for all time to come.⁴¹ He agreed with a great deal that had fallen from the hon. member for Peterboro. It was clear in his mind that those vested rights could not be held at all by corporations, unless they were to be held forever; and most unquestionably it was the intention of the constitutional act that those rights should be held forever; and the Legislature was now proposing to deal with property which they had no right to control. There should never have been any further legislation on the subject. He admitted, however, that there had been legislation upon it, and at the time of the union, it was deemed a matter of so much importance that the question should be settled at once and forever, that through the exertions of Lord Sydenham an Act was passed through the Imperial Parliament, by which the Reserves were partially diverted from the purposes for which they were originally intended, and that settlement was intended to be final. He had heard one hon. member, in speaking of this enactment, say that it had been obtained by fraud and by a faction. He confessed that his blood boiled to hear such expressions made use of. He did not know how long that hon.

gentleman⁴² des townships⁴³ had been in the country, or what was his position in it now, but he should have paused before making use of the word fraud, and applying the word faction to a body of men who came into the country when it was a wilderness, and whose exertions and measures had made the country what it is--he referred to the members of the Church of England, styled a faction, though numbering 200,000 of the population. But the last Act, the act of 1853, had placed the question in a new position, and had given the people of this country power to deal with these lands, a power which they never possessed before. Under these circumstances it was perfectly clear that the question must now be dealt with in the manner which public opinion dictated. Although he was obliged to yield to that view, his conviction did not go with it. He was not one of those who thought that questions of property should be decided by a majority. Neither did he think that the opinion of a majority was always right. But, if those Reserves were to be taken away from sacred purposes and devoted to secular uses, they should at least adopt that course which would be most beneficial to the country, and which would at all events settle the question at once and forever. (Hear, hear.) He agreed very much in what had been said as to the impropriety of keeping up a special fund. If it was kept as a special fund, whatever Act they might now pass might be reversed by the next Parliament, which might be composed of very different materials from the present. (Hear, hear.) The proper course he considered was to carry it into the Consolidated Fund; and he was also in favour of the plan of commuting the annuities. Let certain sums of money be given to those religious bodies, and let the residue of the fund be absorbed in the Consolidated Revenue. He faintly hoped, however, that something might even yet turn up, which would prevent these funds from being diverted from their original purposes.⁴⁴ Il ne veut faire aucun changement, mais s'il doit y en avoir un, il veut qu'il soit final et irrévocable. Il condamne la conduite de ceux qui se fâchent parce que leurs frères chrétiens ont plus de moyens qu'eux-mêmes, pour répandre la connaissance de l'évangile. Il condamne aussi la proposition de donner ce fonds aux municipalités. Il croit que ces corps sont déjà assez riches, et qu'il n'ont pas besoin de la propriété dont il s'agit.⁴⁵ The member for Carleton intended to move that this bill should not go into effect till it had been approved by a majority of the people at the next general election.⁴⁶ He was in favor of the matter being referred to a general vote of the people, for he believed that the true feeling of the people of this country in regard to the Reserves had never yet been truly represented in the House of Assembly. He begged to move ... [an] amendment⁴⁷.

(219)

Mr. Gamble moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "now" to the end of the Question be left out, and the words "rejected for the following reasons:--Because a permanent appropriation was made by the Imperial Act 31 Geo. 3, of the Lands known as the Clergy Reserves, in Upper and Lower Canada, for the support of a Protestant Clergy in all time to come: Because by the 3 & 4 Vic. a final disposition of the said Lands, and the yearly income arising and to arise therefrom, was made by the Imperial Parliament in the Act 3 & 4 Vic. for the maintenance of Religion, the advancement of Christian knowledge, public worship, and religious instruction: And because any application of the Funds arising from the said Lands, other than for the purposes above mentioned, will involve a breach of public faith, a violation of the vested interest acquired by the Churches of England, Scotland, and other Denominations, and

the appropriation to secular objects of property solemnly set apart for sacred uses in the perpetuity by the first Constitution of the Province" inserted instead thereof;

MR. ROBINSON seconded the amendment explaining that when he spoke before he was not aware that it was to be moved at this stage of the bill.⁴⁸ This was a question that had a great many years agitated the public mind in Upper Canada; but the causes which formerly produced the agitation did not exist now; and he complained that that fact had been lost sight of in the debate.⁴⁹ He maintained that the two great objections which used formerly to be urged against the Reserves no longer existed, that one seventh of the lands of the Province were given to the clergy of one dominant body and that the Reserves retarded the improvement⁵⁰, [and] impeded the settlement⁵¹ of the country.⁵² L'objection principale qu'on faisait autrefois à l'existence des Réserves du Clergé était qu'elles créaient un clergé dominant, et qu'elles conservaient de grandes étendues de terre dans un état de friche, au grand dommage des terres voisines. Cette objection a été dernièrement reproduite par le Times de Londres, dont l'article a été copié dans le Globe. Néanmoins tout le monde sait qu'il n'y a pas de clergé dominant dans le pays, et qu'aucunes terres ne sont conservées en friche.⁵³ For a long period after the passing of the Act of 1840, nothing was heard of the grievance, but in 1849 or 1850 it had been revived, for what reason it was not for him to say.⁵⁴ The cry had been raised that the clergy of Upper Canada were a State paid clergy, and thus an attempt was made to destroy this fund for their support, but really there was no connection whatever between church and state.⁵⁵ The state had nothing to do with these funds, which were given to secure religious instruction to the poor. There were parts of the country where a clergyman was never seen for months; and the people were hoping in God that something would be done to give them religious instruction. These funds were given for a holier and higher purpose than to serve the wards of the day; they were intended for all generations to come.⁵⁶ He entertained strong feelings in favor of the amendment. It was stated in the preamble of the Act of King George the Third, that those lands were set apart for the support of religion for all time to come; and it seemed to him that the passing of the bill now before the House would be a breach of faith with posterity. To take away that fund for the support of religion was to rob posterity. What would the old inhabitants who came to settle in this province under the belief that their children would ever have religious instruction afforded them from this fund, say at the taking of it away? What would they say to such a spoliating act if the[y] could rise from their graves?⁵⁷ He begged honourable members to consider in what a strange position this country would be if the bill passed. In the one half of the Province there would be large religious revenues, and in the other half none. He called especially upon his honourable friends from Lower Canada to consider what would be the result of passing this bill. Even now they might see the cloud rising, though no bigger than a man's hand. Demagogues and levellers would soon make their appearance to raise an agitation for the abolition of the tithes, and the secularizing of Church property, and then hon. gentlemen from Lower Canada need not flatter themselves that they would find their present friends coming to their aid.⁵⁸ They would, on the contrary, "laugh at their calamities and mock when their fear cometh." Many of them had not yet committed themselves to this measure, and if they did not pause before they did so, they would hereafter regret their course.⁵⁹ He would press the amendment on the notice of the gentlemen on the treasury benches, and ask them to consider it in connection with their former promises. Those

who supposed that the passing of this bill would put the question out of the way deceived themselves. He much regretted to see the position of the hon. Commissioner of Crown Lands (Mr. Morin) on this question, and he felt certain that the present Chief Justice, of Lower Canada (Sir H.L. Lafontaine) would never have occupied such a position. He (Mr. R.) could only hope, that if this bill were passed that it would be disallowed by the Queen. (Cries of oh, oh.) Yes, he hoped that Her Majesty would so exercise her prerogative. The Act of 1840 was considered a finality, as it was a compromise, and should be held to be final.⁶⁰ Il nie encore que la majorité du Haut-Canada soit en faveur de ce bill, et quant à la distinction que font quelques membres entre le principe et les détails du bill, il se souvient de ce qu'a dit quelqu'un lors de la passation de l'acte d'union: que si le principe était concédé, il ne se soucierait guère des détails; si ce projet de loi passe dans la Chambre, la seule ressource pour le peuple du Haut-Canada sera de tâcher de le faire rejeter par la reine.⁶¹ The question which this bill raised was, whether there should be any regular or settled aid to religion or every thing be left to the voluntary principle? He knew that many of the ministers of the Church of England, as well as those of other denominations, were now greatly pinched in their means; but they did a great deal of good among their parishioners, not only religiously but in their worldly matters, by their walk and conversation. He did not believe the present House fairly represented the views of the people on the question. One of the causes for delaying the question till the present session was, that the electors created by the extended franchise act had not been heard on the question; and that objection still retained all its force. He wished to preserve to future generations that birthright to which they were entitled in these lands.⁶²

MR. CAUCHON said the form of the amendment was opposed to the spirit of the rules of the House. The object of the rule, which prevented any preamble, being put to a resolution, was to prevent a resolution being accompanied with reasons for it.⁶³ He regretted the amendment contained if not a preamble a reason which many would object to affirm who would be desirous to support the substantive resolution.⁶⁴ Sans s'obliger de voter en faveur des détails de cette mesure, [il] dira maintenant qu'il n'a jamais considéré les réserves comme des propriétés, quoiqu'il se soit opposé à la diversion de cette propriété pour d'autres raisons.⁶⁵

MR. BIGGAR briefly supported the bill. The whole history of the Church, in his opinion, proved to demonstration, that no aid from the state was necessary to advance the cause of Christ, and that wherever His servants went preaching the Gospel in sincerity, they would be amply supported by the people among whom they laboured.⁶⁶ The voluntary system was the only one pointed out in the new testament.⁶⁷

MR. SOL. GEN. H. SMITH said that, as he was looked upon as one of those who had become converts to a principle, and was now going to give a vote different from all he had ever given in the whole course of his political life he might be excused for saying⁶⁸ a few words in reply to some of the attacks that had been made upon his position and that of his honorable friends around him.⁶⁹ The hon. member for North Hastings (Mr. Murney) had stated his High Church principles and his amazement at this monstrous measure, and that he could conceive nothing so absurd as a violation of the statute of 1840, but it appeared to him (the Sol. Gen.) that that honourable gentleman dealt in

generalities, without understanding the subject in debate. In looking at the subject carefully, and going back to the earliest period of its history, what did they find?⁷⁰ In 1791 there was an act passed by the Imperial Parliament which laid aside or reserved one seventh of the lands of the Province for the support of a Protestant clergy; but no appropriation of those lands had ever been made.⁷¹ The hon. member for North Hastings and other hon. gentlemen spoke of that as a grant, a sacred grant. It never was a grant. It was a reservation. (Hear, hear.) The very word implied a reservation.⁷² They were only laid aside or reserved with the view to future appropriation.⁷³ That reservation was made by Imperial authority, which if it had the power to reserve, had also the power to dispose of it, and had it not done so? He knew that the Act of 1840 was meant to settle the question, and while that Act existed he voted and spoke strongly against any disturbance of it. But the case was now changed. The Act of 1840 was repealed. Further legislation had taken place in Great Britain, and the matter had now come to be in a different shape, the Canadian Parliament being now entitled and called upon to legislate on it.⁷⁴

MR. GAMBLE.--The Imperial act has not been repealed.⁷⁵

MR. SOL. GEN. H. SMITH.--Well it is so far repealed that the question has been referred back to this country for settlement, and that can now only be done in accordance with the wishes of the people. There was no doubt that the majority of the people of Upper Canada were in favor of secularization, and that could not be avoided. As to the appropriation of the proceeds he also believed that the majority of the people of Upper Canada were in favor of that mode proposed by the bill. Large quantities of land were already laid aside for the support of education. He regretted the appeal that had been made by the honorable member for Simcoe to honorable gentlemen for Lower Canada⁷⁶ on the subject of Church property. That was an entirely different question, and hon. gentlemen from Lower Canada need have no fear of that question being raised, in consequence of this one being settled.⁷⁷

MR. MURNEY indignantly replied to the taunt of the Solicitor General that he did not understand the question. That honorable gentleman was not ashamed to avow to the House that he was a convert, but he did not say of how long standing. He did not say that he was a convert of only six weeks or two months; and that the cause of his conversion, if not gold, was office and its emoluments.⁷⁸ He (the Sol. G.) was a convert to pounds, shillings, and pence. He (Mr. M.) would not for ten times the annual emolument of the Solicitor General have given up his opinions.⁷⁹ He (Mr. M.) felt pain at having to make that statement, for he remembered the time that he had battled with him side by side and year after year in the defence of that cause which the honorable member had now abandoned. He (Mr. M.) understood the act of 1791 as well as the honorable Solicitor General, and he there asserted that it was as good and sacred an act as could be passed by King, Lords and Commons. In 1840 another act was passed, a compromise act, and that he (Mr. M.) also looked upon as sacred.⁸⁰ The provision of these Reserves was as sacred as any acts of Lords and Commons could make it; as sacred as a Royal charter or a treaty between one country and another. People in England, on the faith of this provision being made for their religion; on the faith that the same churches and the same Sunday schools would be sustained for their children, in their new home as they had been accustomed to, emigrated to this country. And who now were they who were breaking faith with these parties? He feared that the

people of Upper Canada would be but too ready to assist in taking the Church property of Lower Canada after the passing of this bill. The question of the Reserves was too sacred to be made a matter of expediency. The Presbyterians and others who had a right in the Reserves could with no more justice be deprived of those rights than any individual could be deprived of his estate.⁸¹ Unlike the honorable Solicitor General he was not prepared to support one day that which on another day he had called spoliation and sacrilege. He prayed gentlemen from Lower Canada not to deceive themselves,--this agitation would spread from Upper to Lower Canada. He (Mr. M.) confessed that he had no temper for the discussion of this question. It pained and grieved him more than he could tell to see those with whom he had all his life side by side battled with in support of it, now throw it overboard and sacrifice it for a miserable expediency.⁸²

MR. CARTIER could not but admire the feeling manifested by the honorable member who had just sat down, as well as that of the honorable member for Simcoe; but he regretted the taunts that they had thrown out to members from Lower Canada. These gentlemen must remember that this question was not agitated by the Catholics of Lower Canada, but was forced upon them by the Protestants of Upper Canada.⁸³ The hon. member for South Simcoe (Mr. Robinson) would have liked to make Lower Canada Catholic members responsible for the legislation which was now to take place respecting these Reserves. Such an idea was unjust to those to whom it referred. The settlement of the Clergy Reserves had not been forced by the opinions of Catholic members of this House.⁸⁴ He (Mr. C.) had often stated that if the Protestants of Upper Canada had not sent an overwhelming majority in favor of secularization he for one would never have voted for it, and he believed that that was the opinion also of others in his position. These would not have voted for secularization in the last House because they did not find the Upper Canada majority in favor of it sufficiently strong. But the last elections had turned on this subject and the result was a very large majority in favor of secularization--so the responsibility of the act depended upon Upper Canada.⁸⁵ It was not, therefore, on the Catholic members of this House that the responsibility of secularizing rested. Neither did Catholic members think that in voting for secularizing the Reserves, they in any way jeopardized the property belonging to their clergy or their educational institutions. Strictly speaking, they had not in Lower Canada any clergy property.⁸⁶ The property held by the Catholic clergy in Lower Canada was none of it made subject by statute to after legislation as the Clergy Reserves were.⁸⁷ Certain property had been given to be administered, it was true through communities of Catholics, but having for its object the education of the people, and not coming under the category of religious endowments. The education was to be given by men belonging to the faith of the King of France, but at the same time the property must be considered, not as what was generally called a religious endowment, but as an educational endowment. Such property, he conceived, bore no analogy to the property to be legislated upon by this Bill. He observed the hon. member for Lambton (Mr. Brown) smiling. He knew that that hon. member, when he saw the Clergy Reserves secularized, might perhaps try to force certain legislation in regard to Lower Canada. He knew that the section of Reformers to which the hon. member for Lambton belonged would be disposed to take that course, but he knew on the other hand that the sound Reformers of Upper Canada and the Conservative party in Upper Canada⁸⁸ [and] the Conservatives of Lower Canada⁸⁹ were not of that mind. He knew that such legislation would form a subject of much

interesting discussion for the readers of the newspaper under direction of the hon. member for Lambton, but when it came to be discussed in this House, he believed that very few would maintain that there was any analogy between the Clergy Reserves and the endowments in Lower Canada.⁹⁰ The act of 1791 made no grant or appropriation of lands, but only laid certain lands aside. The Lower Canada lands were different and were granted by the King of France, and the grant was ratified by Great Britain, more for the promotion of civilization than the support of religion, and that grant could not now be taken away.⁹¹ As to the tithes, every one who understood that subject knew that the tithes were not public property, that the law compelled every Catholic proprietor to pay tithes⁹² of every 26th bushel of grain,⁹³ put (*sic*) that in no sense did they come out of the public chest. But if the majority form (*sic*) Lower Canada were to be in favor of an alteration of the mode of paying the clergy, then let the members from Upper Canada act as those from Lower Canada were now doing, and assist in such an alteration being effected. He was always disposed to give full effect to a preponderance of public opinion.⁹⁴

MR. PAPIN said he would vote for the second reading of the bill as he was in favor of its principle, but he would vote against the third reading unless the details were altered.⁹⁵

MR. FERRES wished to make it apparent to the House what was the real tenure on which the Lower Canada endowments rest. He would read an extract from an ordinance of 1849 to incorporate the Seminary of St. Sulpice and to provide for the extinction of the seigniorial dues. This ordinance had been rendered perpetual; and therefore reference to it at any time was proper.⁹⁶ The Seminary of St. Sulpice held its property simply by an Act of Parliament.⁹⁷

MR. FOLEY reproached Mr. Robinson for calling those sacrilegious spoliators, demagogues, &c. who advocated the secularization of the Clergy Reserves, while at the same time he apologized for and avowed his determination to support those gentlemen on the treasury benches who said they were going to secularize the Reserves. Ought not those gentlemen to receive the opprobrium of the honorable member if he were consistent.⁹⁸ Si les membres de son côté sont des démagogues, que doivent être les messieurs qui ont consenti à commettre un sacrilège? N'y a-t-il pas des réformistes qui appuient le ministère, et les accusations que le membre pour Simcoe vient de porter contre ceux qui ont toujours demandé la sécularisation ne doivent-elles pas s'appliquer à ceux-là? Peut-être ce monsieur aimerait voir l'opinion d'un homme de son propre parti, qui vient de changer ses convictions politiques.⁹⁹ He would read an article from a public journal, written by a clergyman¹⁰⁰ of high standing in the Church of England, what was thought by high minded Conservatives of the hon. gentlemen on the Treasury Benches¹⁰¹ and when the hon. members heard that they would not think the hon. member for Hastings had been too severe in condemning the apostacy of the Conservative members of the government.¹⁰²

MR. S. SMITH of Northumberland rose to a question of order. He objected to the reading of newspapers.¹⁰³

MR. FOLEY was about to proceed, when,¹⁰⁴

MR. PRES. EX. COUN. MACNAB rose to order. It was out of order for honorable members to read newspapers in the House.¹⁰⁵

A discussion or rather bitter altercation took place on the point of order, in which it was asserted on the opposition side that gentlemen on the ministerial side very often read newspapers.¹⁰⁶

MR. PRES. EX. COUN. MACNAB said in all probability the hon. member wrote the article himself, and now came forward to read it. Such tricks as that were not to be practised on the House.¹⁰⁷

MR. FOLEY replied that as the honorable and gallant knight had had the assurance to apply such offensive language to him he would not hesitate to characterize it as it deserved.¹⁰⁸

MR. SICOTTE the SPEAKER said there was no rule of the House on the subject, but members continuing their objections.¹⁰⁹

MR. FOLEY ended the scene by saying that he would not persist in reading¹¹⁰ as hon. gentlemen seemed so much afraid of the extract he was about to read,¹¹¹ but would state that a Church of England Clergyman in the paragraph that he was going to read, strongly characterized the position of gentlemen on the treasury benches as that of men who were ready to commit sacrilege for the sake of office.¹¹² Je ne lirai pas celui que je tiens à la main. Il contient l'expression de l'opinion d'un membre du clergé, qui désirait comme un pasteur, comme un éditeur, et comme un chrétien, de ceux qui ayant professé une opinion pendant leur vie se disent maintenant prêts à faire ce qu'ils croient être un vol et un sacrilège. Il n'aurait pas fait allusion à ce point si on n'avait pas jeté l'injure à la figure des membres de son côté de la Chambre. Mais il est certain que ces injures s'appliquaient au membre pour Renfrew aussi bien qu'aux membres de son côté de la Chambre. Il ne dit pas qu'il votera pour ce projet de loi parce qu'il croit, et il tâchera de le prouver quand la question se présentera une autre fois, qu'il contient les éléments d'une union de l'église avec l'Etat, bien plus étroite que celle qui existe aujourd'hui. Ce qu'il voit avec la plus grande surprise, c'est que les libéraux de l'autre côté puissent s'asseoir par derrière les conservateurs et les appuyer dans leur politique, pendant que ces mêmes conservateurs s'opposent aux choses que les libéraux ont le plus à coeur.¹¹³ With respect to the promises of those gentlemen that they would not interfere with Lower Canada Church property, he asked, what faith could be placed in them? Could the men who had broken their promises and faith with their own church, for the sake of office, be supposed to be more true to another church, should office stand in the way? Those men had all along, all their lives, declared that the church of England had vested rights in the Clergy Reserves, and that to deprive her of them was at once spoliation and sacrilege; and could it be supposed that men who had all their lives held such principles and who threw them away for an expediency, would not for another expediency, consent to the destruction of Lower Canada church property, the very first time that opportunity should arise? He (Mr. Foley) should oppose the amendment and support the main motion because he had ever advocated the secularization of the Clergy Reserves.¹¹⁴

MR. ROBINSON said a few words in reply, which the Reporter could not hear.¹¹⁵

MR. MARCHILDON spoke in favor of secularization.¹¹⁶

MR. FREEMAN at some length contended that there could be no vested rights in the Reserves because no grant was ever made¹¹⁷, they were always subject to the control of the Legislature, and that the Church of England never had any actual title to them.¹¹⁸ As to opinions of the people of Upper Canada, he could inform this House that we should not now have this discussion on the question if their will had not been often thawed (sic) by a Legislative Council

hostile to their wishes. He further stated it was the exclusive and unjust demand made by the church of England to the whole of these lands that first produced agitation, and that church had herself to blame for the bringing of the question to this stage.¹¹⁹ He was not satisfied with the details of the measure; and was of opinion that we could do anything we liked with the fund destined for the support of the stipendiaries, so that they were amply secured, and he hoped that the government would reconsider their construction of the Imperial Act.¹²⁰

MR. FLINT supported secularization and wished the question put out of the way.¹²¹ [He] declared himself a warm supporter of the voluntary principle, and stated that at a future stage of the discussion¹²² when the question came up in committee¹²³ he would be prepared to advance reasons why the Wesleyan denomination, the church to which he himself belonged, should be deprived of any participation in the Clergy Reserve funds.¹²⁴

At five minutes to 11 o'clock CAPT. RHODES moved that the House do now adjourn.¹²⁵

MR. MURNEY seconded the motion for adjournment, on the ground that it would be well for hon. members to have time to study former debates, and former speeches, and former resolutions, and the character of those who moved them. It would be quite amusing to bring before the House some of the resolutions which used to be moved by the hon. the Premier, the hon. Attorney General West and the hon. Solicitor General West. (Hear, hear.)¹²⁶

(219)

Mr. Rhodes moved, seconded by Mr. Murney, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Bowes, Larwill, Murney, Powell, and Rhodes.--(6.)

(219-220)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Bourassa, Brown, Bureau, Burton, Cartier, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Crawford, Crysler, Daly, Charles Daoust, Jean. B. Daoust, Darche, Delong, Desaulniers, Dewitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Fergusson, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Hartman, Hincks, Holton, Jackson, Jobin, Labelle, Laberge, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Matheson, Mattice, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Rankin, Robinson, Roblin, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Valois, Wright, and Young.--(97.)

So it passed in the Negative.

(220)

MR. POWELL, immediately on this vote being taken, again moved an adjournment, and spoke to the question for some time,¹²⁷ amid all sorts of noises which he called most indecent.¹²⁸

MR. BOWES supported the motion¹²⁹.

MR. LARWILL opposed it.¹³⁰

(220)

Mr. Powell moved, seconded by Mr. Bowes, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

MR. O'FARRELL was surprised (*sic*) that any gentleman, representing any constituency in Lower Canada, could vote for secularizing the Reserves. More than one hon. member from Lower Canada, when his constituents came to understand the question, would have cause to regret having voted for that measure. He would like to know, also, how the hon. member for Renfrew, (Mr. Hincks) could vote for this bill, after the letter he had published, stating that it would be unfair to settle the question before the 100,000 now excluded from the franchise had an opportunity of expressing an opinion upon it.--(Hear, hear.)¹³¹ He regarded the question as settled; and believed that the church of England held the reserves by just as good a tenure as any land he (Mr. O'F.) held by patent from the Crown.¹³² The passing of the bill, before the House would be to destroy confidence in the sacredness of rested (*sic*) rights, and cause this country to be looked upon in England in the light of one of the repudiating states of the American Union, and it would utterly ruin our credit. He did not fear the threats against Lower Canada Church property, for that was guaranteed by treaty between England and France. Any act passed here, affecting that property would have to go to England to be sanctioned, when the Emperor of France, the warm friend of Catholics, would interfere by negotiation and would be sufficiently influentive to prevent its being sanctioned. (Loud laughter.)¹³³ There was one clause in the bill that he was very much astonished any Catholic member would be found to support. It was stated in the bill, that it was "desirable to remove all semblance of connection between church and state."--But if that were once removed, what would be the consequence but that the views of the hon. member for Lambton must prevail, and the voluntary system be introduced, under which the tithes could no longer be exacted. Did not that expression declare that it was wrong for the Pope of Rome to be a temporal prince? How, he asked, was it possible (*sic*) for his Catholic *confreres* from Lower Canada to reconcile their supporting that clause with the principles on which they had acted all their lives?--(Hear, hear.)¹³⁴ He should vote for the amendment and against the second reading of this bill, for he had no desire to have his name among those of the pledge breakers.¹³⁵

(220)

And the Question being put, That all the words after "now" to the end of the Original Question be left out, and the words "rejected for the following reasons:--Because a permanent appropriation was made by the Imperial Act 31 Geo. 3, of the Lands known as the Clergy Reserves, in Upper and Lower Canada, for the support of a Protestant Clergy in all time to come: Because by the 3 & 4 Vic. a final disposition of the said Lands, and the yearly income arising and to arise therefrom, was made by the Imperial Parliament in the 3 & 4 Vic. for the maintenance of Religion, the advancement of Christian knowledge, public worship, and religious instruction: And because any application of the Funds arising from the said Lands, other than for the purposes above mentioned, will involve a breach of public faith, a violation of the vested interest acquired by the Churches of England, Scotland, and other Denominations, and the appropriation to secular objects of property solemnly set apart for sacred uses in

perpetuity by the first Constitution of the Province" inserted instead thereof; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Crawford, Gamble, Larwill, Murney, O'Farrell, Powell, Rhodes, Robinson, Shaw, Stevenson, and Yeilding.--(12.)

(220-221)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Bourassa, Brown, Bureau, Burton, Cartier, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Daly, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Fergusson, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Hartman, Hincks, Holton, Huot, Jackson, Labelle, Laberge, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Matheson, Mattice, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Thibaudeau, Turcotte, Valois, and Young.--(92.)

So it passed in the Negative.

(221)

Then the main Question being put, That the Bill be now read a second time the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Bourassa, Brown, Bureau, Burton, Cartier, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Daly, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Fergusson, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Hartman, Hincks, Holton, Huot, Jackson, Labelle, Laberge, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Matheson, Mattice, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Rankin, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Thibaudeau, Turcotte, Valois, Wright, and Young.--(93.)¹³⁶

NAYS.

Messieurs Bowes, Cauchon, Crawford, Crysler, Gamble, Larwill, Murney, O'Farrell, Powell, Rhodes, Robinson, Shaw, Stevenson, Taché, and Yeilding.--(15.)

So it was resolved in the Affirmative.¹³⁷

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

(222)

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated 16th instant, for copies of papers relative to proposed changes in the Constitution of the Honorable the Legislative Council.

Secretary's Office,
Quebec, 24th October, 1854.

By Command,
Pierre J.O. Chauveau,
Secretary.

No. 42.--(Copy.)

Government House,
Quebec, 1st July, 1853.

My Lord Duke,--I have the honor to transmit herewith the Humble Address to Her Majesty, of Her Majesty's dutiful and loyal Subjects the Legislative Council of Canada in Provincial Parliament assembled, on the subject of the Constitution of that House, in order that it may be laid at the foot of the Throne.

I have, &c.,
(Signed,) Elgin & Kincardine.

His Grace the Duke of Newcastle,
&c., &c., &c.

No. 43.--(Copy.)

Government House,
Quebec, 1st July, 1853.

My Lord Duke,--I have the honor to enclose herewith the humble Address to Her Majesty, of Her Majesty's dutiful and loyal Subjects the Commons of Canada in Provincial Parliament assembled, on the subject of the Constitution of the Legislative Council, and to request that Your Grace will be pleased to cause it to be laid at the foot of the Throne.

2. A proposition which goes to effect a fundamental change in the composition of one of the Branches of the Provincial Legislature affords most unquestionably matter for very serious consideration, and it is moreover no doubt true that independently of the important question of principle involved in the measure which is submitted by the Assembly for Her Majesty's approval, difficulties of execution and detail of a very formidable character present themselves when the attempt is made to combine two elective Chambers with a system of Government conducted on the rules of British Constitutional practice. Difficulties, it may be observed, for which no solution is afforded by precedents drawn from the United States, inasmuch as Parliamentary Government and Ministerial Responsibility, in the British sense of the term, are unknown to the Constitutions of that Country. Nevertheless, I feel it my duty in transmitting this Address, to state that I know of no expedient which is so likely to impart to the Legislative Council the influence which it is most desirable that it should possess as the substitution of the principle of election for that of nomination by the Crown in the appointment of its Members.

3. According to the plan which is sketched in the enclosed Address, the Members of either House of the Legislature will be returned by the same Constituency. Exception may doubtless be taken to this arrangement. But in the absence of any unobjectionable scheme for the election of Members of the Legislative Council at two degrees, I am disposed to think that on the whole it is better that they should be elected by the Constituency which elects the Members of the Legislative Assembly, than that a pretence should be afforded

for raising a prejudice against the former Body, and weakening its moral influence by the allegation that it represents only a privileged class.

4. The larger Constituencies for which, as compared with Members of the Assembly, individual Members of the Legislative Council will be returned;

(223)

the more lengthened periods for which they will be elected; their restricted liability to dissolution by the Crown, and the qualifications in respect to age and fortune or previous service which they will be required to possess, will, it may be hoped, give to that Body considerable weight in the political scale, and render a seat in it an object of ambition to the leading statesmen in the Province. On the other hand, it is not proposed that the contemplated change in the Council should have the effect of abridging in any respect the privileges, whether as regards money votes or other matters, which the practice of the Constitution has conferred on the Legislative Assembly.

5. Your Grace will not fail to perceive, from the terms of the Address, that in connection with the contemplated change it is suggested that no pecuniary qualification should henceforth be required of Candidates for the Legislative Assembly, and that the existing Members of the Legislative Council should not retire at once, in order to make way for Members chosen by popular election, but in two bodies selected by ballot, and after the lapse of two and four years. This latter provision may probably tend to facilitate the transition from the present to the new order of things.

I have, &c.,

(Signed,)

Elgin & Kincardine.

His Grace the Duke of Newcastle,
&c., &c., &c.

No. 87.--(Copy.)

Downing Street, 26th May, 1854.

My Lord,--I have the honor to acknowledge Your Despatch, No. 42, of the 1st of July last, enclosing an Address from the Legislative Council on the subject of the Constitution of the Legislative Council; and No. 43, of the same date, enclosing an Address from the Commons of Canada in Provincial Parliament assembled, on the same subject.

I have also to acknowledge a private Despatch, of the 31st December last, from the Officer administering the Government, enclosing the draft of a Bill intended to carry into execution the objects of the latter Address.

I have in reply to inform you, that Her Majesty's Government are about to introduce immediately a Bill into Parliament, giving the Legislature of Canada such powers to alter the provisions of the Canada Union Act respecting the Legislative Council, as will suffice to effect the objects of the Address, should the Legislature on consideration deem the change expedient.

It is proposed to take the same opportunity to repeal that Clause of the Union Act by which Acts of a specified description are required to be laid before Parliament for a certain period, before they can receive the assent of the Crown; a restriction which has been found inconvenient and unnecessary.

I have, &c.,

(Signed,)

Newcastle.

The Earl of Elgin and Kincardine,
&c., &c., &c.,

No. 9.--(Copy.)

Downing Street, 11th August 1854.

My Lord,--I have to inform Your Lordship that in pursuance of the intention expressed in the Duke of Newcastle's Despatch, No. 87, of the 26th May last, a Bill was introduced by Her Majesty's Government into the House of Lords, for the purposes mentioned in that Despatch. The Bill having passed through both Houses of Parliament, has received her Majesty's assent.

(224)

I enclose you a copy of the Act, (17 & 18 Vic. cap. 118.)

Her Majesty's Canadian Subjects will recognize in this Act the confidence which is placed in them by the Government and the Parliament of this Country.

Her Majesty's Government are not insensible to the force of the observations contained in your Despatch, No. 43, of the 1st July, 1853, as to the importance of a proposition for effecting a fundamental change in the Constitution of one of the Branches of the Provincial Legislature, and as to the difficulties of execution and detail connected with it, and they have not failed to give due consideration to the Address from the Legislative Council of Canada, upon this subject. I think it right moreover to observe that in the course which has been taken by Her Majesty's Government, they have not expressed any concurrence in the details of the Draft of a Bill, prepared by the Executive Council of Canada, and transmitted to my predecessor, in General Rowan's Despatch, No. 3, of the 31st December last.

The Draft never having been submitted to the Canadian Legislature, (as indeed it never was intended to be,) could not have undergone the consideration and revision which a Bill on such a subject would undoubtedly require and receive in passing through its several stages in the two Branches of the Legislature.

Her Majesty's Government did not feel it to be consistent with their duty, or with the respect due to the Constitutional rights of the Colony, to propose a measure to Parliament for altering the Constitution of the Council. But they have felt that considering the progress which has been made by Canada in wealth and population, and the proof it has given of fitness for self-government, there was no sufficient reason for withholding from its Legislature the power now possessed in many other Colonies, of making, with the consent of the Crown, such changes in its Constitution, as time and experience may show to be necessary or expedient.

I will only express the hope and expectation of Her Majesty's Government, that if the Legislature of Canada should think fit to exercise the power conferred on it by the Act now transmitted to you, that power will be exercised with the care and deliberation which the great importance of the subject demands, and that the result will be to give increased weight and influence to the Legislative Council as a distinct Branch of the Legislature, and by promoting the welfare and good government of the Province, to strengthen its loyalty and attachment to the Imperial Crown of Great Britain, of which it forms so valuable a possession.

I feel also assured on a review of the course of conduct pursued by the Legislative Council since the Union of the Provinces, that in the consideration of any measure which may be proposed for an alteration of its Constitution, its Members will be influenced by the same spirit which has been evinced by them on other occasions, and that they will be ready to forego any personal

claims, if they are satisfied that such a sacrifice on their part will be conducive to the public interests.

I have, &c.,

(Signed,)

G. Grey.

Governor General, the Earl of Elgin and Kincardine, K.T.
&c., &c., &c.

Cap. CXVIII.

An Act to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other purposes.

[11th August, 1854.]

WHEREAS an Act of the Session of Parliament holden in the third and fourth years of Her Majesty, chapter thirty-five, "to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," provides amongst other

(225)

things for the establishment of a Legislative Council in the Province of Canada, consisting of Members summoned thereto by the Governor, under the authority of Her Majesty as therein specified: And whereas it is expedient that the Legislature of the said Province should be empowered to alter the Constitution of the said Legislative Council: And whereas the said Act requires amendment in other respect: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:--

I. It shall be lawful for the Legislature of Canada by any Act or Acts to be hereafter for that purpose passed, to alter the manner of composing the Legislative Council of the said Province, and to make it consist of such number of Members appointed or to be appointed or elected by such persons and in such manner as to the said Legislature may seem fit, and to fix the qualifications of the persons capable of being so appointed or elected, and by such Act or Acts to make provision, if they shall think fit, for the separate dissolution by the Governor of the said Legislative Council and Legislative Assembly respectively, and for the purposes aforesaid to vary and repeal in such manner as to them may seem fit all or any of the sections and provisions of the said recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of Canada: Provided always, that any Bill or Bills which shall be passed by the present Legislative Council and Assembly of Canada for all or any of the purposes aforesaid shall be reserved by the said Governor, unless he think fit to withhold Her Majesty's assent thereto, for the signification of Her Majesty's pleasure, and shall be subject to the enactments of the said recited Act of the third and fourth years of Her Majesty, chapter thirty-five, section thirty-nine, which relate to Bills so reserved for the signification for Her Majesty's pleasure.

II. As soon as the Constitution of the Legislative Council of the Province of Canada shall have been altered under such Act or Acts so assented to by Her Majesty as aforesaid, all provisions of the said recited Act of Parliament of the third and fourth years of Her Majesty, chapter thirty-five, and of any other Act of Parliament now in force relating to the Legislative Council of Canada, shall be held to apply to the Legislative Council so altered, except so far as such provisions may have been varied or repealed by such Act or Acts of the Legislature of Canada so assented to as aforesaid.

III. It shall be lawful for the Legislature of Canada from time to time to vary and repeal all or any of the provisions of the Act or Acts altering the Constitution of the said Legislative Council: Provided always, that any Bill for any such purpose which shall vary the qualification of Councillors, or the duration of office of such Councillors, or the power of the Governor to dissolve the Council or Assembly, shall be reserved by the Governor for the signification of Her Majesty's pleasure in manner aforesaid.

IV. It shall be lawful for the Legislature of Canada by an Act or Acts reserved for the signification of Her Majesty's pleasure, and whereto Her Majesty shall have assented as hereinbefore provided, to vary or repeal any of the provisions of the recited Act of Parliament of the third and fourth years of Her Majesty which relate to the property qualification of Members of the Legislative Assembly.

V. So much of the twenty-sixth section of the said recited Act of Parliament as provides that it shall not be lawful to present to the Governor of the Province of Canada for Her Majesty's assent, any Bill of the Legislative Council and Assembly of the said Province by which the number of Representatives in the Legislative Assembly may be altered, unless the second and third reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the concurrence of two-thirds of the Members for the time being of the said Legislative Council, and of two-thirds of

(226)

the Members for the time being of the said Legislative Assembly respectively, and that the assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly, respectively, to the Governor, stating that such Bill has been so passed, is hereby repealed.

VI. The forty-second section of the said recited Act of Parliament, providing that in certain cases Bills of the Legislative Council and Assembly of Canada shall be laid before both Houses of Parliament of the United Kingdom, is hereby repealed; and, notwithstanding anything in the said Act of Parliament or in any other Act of Parliament contained, it shall be lawful for the Governor to declare that he assents in Her Majesty's name to any Bill of the Legislature of Canada, or for Her Majesty to assent to any such Bill if reserved for the signification of Her pleasure thereon, although such Bill shall not have been laid before the said Houses of Parliament; and no Act heretofore passed or to be passed by the Legislature of Canada shall be held invalid or ineffectual by reason of the same not having been laid before the said Houses, or by reason of the Legislative Council and Assembly not having presented to the Governor such Address as by the said Act of Parliament is required.

VII. That in this Act the word "Governor" is to be understood as comprehending the Governor, and in his absence the Lieutenant Governor, or Person authorized to execute the office or the functions of the Governor of Canada.

Ordered, That the said Return be printed for the use of the Members of this House.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Solicitor General Smith,

The House adjourned. 138

[QUESTION AND ANSWER MINISTERIAL EXPLANATIONS RE: COALITION GOVERNMENT.]

MR. SICOTTE the SPEAKER having taken the chair.¹³⁹

MR. MURNEY said he thought the time had now arrived, all the ministers having taken their seats, that some explanation should be given of their policy, to satisfy the mind of the country. Explanations had been given by the Attorney-General West, by the Attorney-General East, and by the Commissioner of Crown Lands, which however were conflicting one with the other, and could not satisfy this House or the public.¹⁴⁰ They were far from being satisfactory to the opposition side of the House. The members on that side had been given to understand by the ministry that explanations should be given so as to reconcile his friends to the extraordinary coalition and, combination of parties, that had taken place. He therefore considered it due from the coalition that the announcement should take place, of what their understanding was, at the time when this coalition was formed and whether they have agreed upon certain principles and measures; also, what their future policy would be.¹⁴¹

MR. PRES. EX. COUN. MACNAB said.--I have very little to add to what has already been said by my honourable friend on my right (Mr. Morin). I do not think it is a usual thing for more members than one of an administration to make explanations in this House of the principles on which they took office. That has already been done by my honourable colleague in whom we have all the highest confidence. I have very little to add to what he has said, but for the satisfaction of the hon. member for North Hastings (Mr. Murney), I will merely state what actually has taken place, without making any remarks on the "extraordinary combination" to which the hon. gentleman has alluded. But if I were inclined to remark upon that, I should remark also upon the very extraordinary combination that is opposite to me.¹⁴²

Hear, hear, from the ministerial side.¹⁴³

MR. PRES. EX. COUN. MACNAB [continued:] Perhaps at a future period I may do so, without mixing it up for the present with the explanations I am to give. On the 8th of September I was sent for by his Excellency the Governor General, who did me the honor to inform me that he had sent for me in consequence of the Government having resigned, and that they merely held office till their successors were appointed. I felt the difficulties of the position in which I was about to be placed, but no consideration of these would prevent me from entering on what I considered a proper and faithful discharge of the duty I owe to the country. I immediately consulted with my friend, the hon. member for Kingston (Mr. Macdonald), and after a consultation with him we had a general meeting of our friends, and with their sanction and approval we put ourselves in communication with my hon. friend on my right, the Commissioner of Crown Lands, and with the assistance of that hon. gentleman, this Government was formed. Hon. members desire, I suppose, to understand whether we agreed to support the secularization of the Clergy Reserves. I inform the House and the country that I did agree to do so, and I am prepared to do so, and I am prepared to assume in doing so all the responsibility that belongs to me either as a member of the House of Assembly, or as one of the Government of this

country. (Hear, hear.) We also considered the Reciprocity Bill which has already been passed, and the Seigniorial Bill in regard to Lower Canada, which it is our intention to support, and which it was understood should be passed if possible. And with regard to the Legislative Council Bill, if I had any difficulty on that subject, it was entirely removed when I saw a vote in this House of 94 to 6 in favour of it. It will be our duty then to submit to this House, claiming as I do the responsibility of the position I have taken, such bills as are called for by this country. These bills will be submitted to you. You can discuss them--you can amend them if they are deficient--and, if you refuse them, the responsibility rests with you and not with us. With regard to the combination which the hon. gentleman speaks of, that is a matter entirely with ourselves, and hon. gentlemen can just place their views on that matter before the country in any way that best suits their own purposes. I am prepared for the responsibility and will not shirk it.¹⁴⁴

MR. MURNEY said, that by the extraordinary coalition that had taken place the great conservative party of U.C. had been perfectly sacrificed, and all those principles which they had ever advocated were no more; and to whom had they been sold? He would not say another word.¹⁴⁵

MR. ROBINSON did not agree with the hon. member for North Hastings that they had been sold. He (Mr. R.) was called upon in conjunction with the Premier, who as the Premier had just so clearly expressed, consulted his friends upon the subject of forming the present administration. The hon. and gallant Knight was equally taken by surprise that he should be sent for by His Excellency, as were us friends. Among the gentlemen who assembled to consult upon the subject of forming this coalition was the hon. member for North Hastings.¹⁴⁶

MR. MURNEY denied the charge.¹⁴⁷

MR. ROBINSON was mistaken then; but he (Mr. R.) understood at the time of the formation of the government that the hon. member for H.'s only objection to the arrangement was, that a certain member of the reform party was to be in the administration. He (Mr. R.) accepted the arrangement as the best of two evils. Every one could picture to themselves the position in which the hon. Premier was in when sent for by His Excellency, standing, as he did, the avowed leader of the conservative party of Upper Canada.--The Hon. and Gallant Knight was just as anxious to act in a straightforward manner as was possible to do, and as he felt he was right in the part that he took, no blame should fall upon him.--They (Mr. R.'s friends) told Sir Allan distinctly, that they could not support all the measures that his administration would bring before the House; but anyhow a change of government was rendered absolutely necessary.¹⁴⁸ He (Mr. R.) had not deserted his principles; and would not support his hon. and gallant friend in the secularization of the Reserves; but he greatly preferred seeing him in the Government to some of those who preceded him.¹⁴⁹ He did not consider that the great conservative party of Upper Canada had been sold. It remained for hon. members to see how the new government would carry out their measures, before members on the treasury benches could determine what position hon. members would hold for the future. The ministry knew their responsibility.¹⁵⁰ He had been surprised at the conduct of the hon. member for Lambton (Mr. Brown) in opposing the present Government, for on more than one occasion that hon. member had said to him--"why still adhere to the idea of maintaining the Clergy Reserves--why not give them up so as to have a share in the Government?" Perhaps the hon. member would say that this was not the sort of combination that pleased him, and probably no combination, would please that

hon. member which did not embrace himself.¹⁵¹

MR. MURNEY did not believe in the leader of an administration accepting of a blind support from his friends. He would deny that any such outside feelings existed at the time of the formation of the coalition, that rendered it necessary for hon. members to choose the best of two evils; but he had witnessed with astonishment the fact in this House that the hon. Attorney General West had apologised to the late Inspector General for language that he (the A. G.) had used in this House lately.¹⁵²

MR. AT. GEN. J.A. MACDONALD (Kingston) was willing to reply to any. hon. gentlemen (sic) if he were worth answering; but the hon. member for N.H. made this allusion out of personal feeling towards him (Mr. Macdonald.)¹⁵³

MR. MURNEY appealed to the House whether the hon. A.G. did not so apologise.¹⁵⁴

MR. SICOTTE the SPEAKER declared this out of order.¹⁵⁵

MR. MURNEY knew the hon. A.G. was unwilling to be reminded of such conduct.¹⁵⁶

DR. CLARKE did not know what the hon. member for Hastings (Mr. Murney) meant by saying that the Conservative members of the cabinet were sold. They represented, in the position they had taken, the opinions of the great body of the Conservatives¹⁵⁷ and of every moderate man in Upper Canada¹⁵⁸. A great majority of the Conservatives of the House were also in favor of the course taken by the administration. The worst that could be said of the Conservative members of the government was that they had seen the error of their way and abandoned an erroneous course. The Conservative party felt that they were not sold.¹⁵⁹ In secularizing the Reserves, they were settling a question which perhaps never would have been settled, if they had not taken it in hand.¹⁶⁰

MR. BROWN said:--I would probably have taken no part in the present discussion, but for the remarks which have fallen from the hon. member for Simcoe (Mr. Robinson.) The hon. gentleman states that in private conversation I frequently urged him and other conservatives to give up their opposition to the secularization of the Clergy Reserves, so that a union might be accomplished between the Reformers and Conservatives of Upper Canada. He says that the gallant knight and his Upper Canada colleagues have adopted my suggestion; and he is at a loss to understand how I, of all men, can consistently oppose them. Mr. Speaker, the hon. gentleman's statement, so far as it goes, is nearly correct; but it by no means covers the whole ground. I have never sought to conceal my views on the position of political parties in this country; on the contrary, I have taken every means of urging them publicly and privately on Conservatives and Reformers alike; and, with the leave of the House, I will now show, that the coalition which has just been formed, is very different from the alliance that I urged, and is likely to frustrate the very ends which the hon. gentleman from Simcoe and I, at the time of our conversations, sought to attain. The conversations to which the hon. gentleman alludes, took place in the sessions of 1853 and 1854, while we were working together from different points of view, in opposition to the late ministry. Differing on many questions of reform and progress, between the hon. gentleman and his friends and myself, there were not a few strong points of agreement. We agreed that the great interests of Upper Canada were constantly sacrificed to the demands of Lower Canada--that measures most distasteful to us were continually forced

through the Legislature by the unanimity of Lower Canada Representatives, on every sectional question and the divisions among Upper Canadians. We agreed that the system of Representation was most unfair to Upper Canada, and placed us in a position of inferiority to our Lower Canada countrymen, and that population was the only just basis on which representation could be placed. We agreed that two elective branches were inconsistent with Responsible Government, and would certainly lead to the adoption of Republican institutions; and we also agreed that to take money from the public chest to ameliorate the evils of the Seigniorial Tenure of Lower Canada, without extinguishing the Tenure altogether, would be most unjust and unstatesmanlike. We agreed that the future happiness and prosperity of this country would be best promoted by the adoption of a uniform policy in all our legislation--that both sections should be regarded as one Province, and a uniform system of administration adopted, judicial, educational, and municipal. We were also thoroughly united in our hostility to the Hincks-Morin administration; we agreed that the union of men in that government, holding sentiments entirely antagonistic on prominent political questions, was subversive of the British system of Executive government, and highly demoralizing. We agreed that they had shirked certain great questions on which they were elected, and that the whole tendency of their legislation had been to gather into their own hands increased power and patronage, to the detriment of the public interests. Above all, we perfectly agreed that the members of the late cabinet held their high political position and influence, for purposes of personal gain; we believed in the words of the hon. Attorney General West (Mr. Macdonald), that among them there might be Walpoles, but "there were no Pitts," and that they were steeped to the lips in corruption." (Hear, hear.) We heartily agreed that the honor of our country demanded the immediate expulsion of such men from office, whoever might be their successors, and that their downfall should be so marked as to be a lesson to all future politicians, and prevent the recurrence of transactions so discreditable to us as a people. When we talked over these things, and the difficulty of grasping with them, I was in the habit of saying, "Why not sacrifice your prejudices on the question of the Clergy Reserves, adopt the principle of entire separation of church and state, in Upper and Lower Canada, and then we, in Upper Canada, in conjunction with the true liberals of Lower Canada, will be as united as the priest party of Lower Canadians, and hold our own with them?" I held, that with the surrender of the Clergy Reserve question, the whole ecclesiastical variances would follow--rectories, tythes, sectarian schools, sectarian money grants--and that in Upper and Lower Canada alike. (Hear, hear.) I supposed that the Conservatives would, as a matter of course, yield up the whole question of state stipendiarism for religious purposes. I did not conceive it possible that our Upper Canadian churchmen would secularize the Reserves merely because they stood in the way of his gaining office, and yet continue to oppose the principles on which alone their secularization was demanded. (Hear, hear.) Still less did I conceive that churchmen could be found to tear down Protestant endowments, and at the same moment build up Roman Catholic ones. (Hear, hear.) The union that I had conceived was a union on principle, to effect great ends--not a mere throwing over of troublesome topics as a footstool on which to mount to office. (Hear, hear.) Can any hon. member of this House honestly affirm that the coalition which has been formed is founded on principle? Is it not in fact an utter abandonment of principle for the mere sake of power? The hon. and gallant Knight and his three Conservative colleagues profess to have thrown overboard in order to satisfy their Lower Canada allies,

every distinctive principle they have ever professed, every prominent measure for which they have battled in past years--and yet not one concession have they obtained in return. They hand over the Protestant Reserves to be divided among Protestant and Roman Catholic alike, and yet they declare every day the inviolability of Roman Catholic Church property--they grant new charters without end for Papal Institutions, with full power to hold lands in mortmain--they specially exempt Roman Catholic Seigniories from the operation of their Tenure Bill--and the very first act of their Administration was to hand over the Normal School of Lower Canada to the Roman Catholic hierarchy which for years past their predecessors had resisted. They have eaten up all their speeches and votes and resolutions for Representation by population and have agreed to leave Upper Canada in its position of inferiority. (Hear, hear.) They have forgotten all their hostility to the Elective Council measure and have adopted the very scheme they condemned, let it lead to Republicanism as they once disclaimed, or where-ever else it may. (Hear, hear.) They have adopted the Tenure Bill of their predecessors with all its absurdities and have agreed to pay an unknown sum from the public chest in defiance of all their declarations. (Hear, hear.) Aye, Sir, and they have taken to their embrace the very men whose condemnation they had demanded, whose downfall they sought in the name of public morality. Who are their present colleagues but a majority of the very men who themselves declared to be "steeped to the lips in corruption?" Who formed the present Government, who holds it together, who dictates law to it? Why the Hon. ex-Inspector General whose malpractices they so professed to abhor. Sir, the combination of the present is more immoral, and far more destructive of public confidence in public men than the one that preceded it--and not its least crime is that it has mitigated the blow which the indignant voice of the country aimed at the misdeeds of the late Administration. (Hear, hear.) The gallant Knight tells us it was enough for him to find that there were only six in a late division opposed to the Elective Council, for him to go for it. And why were there only six? Because the Knight himself and the Attorney General West, and their forces, had given up their often-declared conscientious convictions in order to gain office. And is it come to this that on a great question of constitutional change, the Premier may defend it on the ground that though he is firmly opposed to it and believes it will be ruinous to British connection, yet the majority favour it and that is enough for him? (Hear, hear.) And nearly the same is their argument on all other questions. They say we are as opposed as ever to secularization of the Reserves, but the crowd go for it. We are as opposed to the Feudal Tenure Bill as ever, but the crowd go for it. We are as much in favour of Representation by population as ever, but the French Canadians go against it. Sir, I censure no man for an honest change of opinion. Had the hon. gentlemen opposite obtained their new views by degrees, by conviction that their old opinions were wrong, nothing could be more commendable. Had each man of them come to the same conclusions on different days of the week--had they acquired them before last election and declared them at the hustings--nay, had they even acquired them after the election and were now advocating them in opposition, I could have almost honored them for the wondrous change. But, Mr. Speaker, when we see four gentlemen of talent and experience giving up all the principles they ever professed, principles on which they had just before been elected--when we see that they all made the surrender in one day and that day the very day they obtained office--nay, when the surrender was made as the only mode of obtaining office--then, Sir, I

am free to confess that I have not a particle of respect for the transaction, but must regard it as one of the most flagrant acts of political venality. Is it such a Government the hon. member for Simcoe would have me to support--is it such a thing as this he imagines I can be satisfied with? No, sir, combinations so brought about ought to have but one end--it carries with it the elements of its own dissolution and must go to pieces from its own inherent rottenness. Public men may make alliances for the sake of office, but the constituencies they represent have not the same temptation to forget their principles; and when the mind of the country is fairly awakened to the true character of this coalition, there will be but one vote of condemnation in regard to it. But while I speak thus, I am free to confess that I am quite willing that the present Ministry should go on, and show what they can do. They have a large apparent majority in this House, and nothing is in the way of their accomplishing all they desire--let us judge them by their fruits. Bad as are the attendant circumstances of their alliance, if it shall have the effect of settling satisfactorily those great questions by which the country has so long been agitated, no member of this House will rejoice more heartily than I will. (Hear, hear.) and no one will be more ready to aid them in obtaining such a settlement as will be satisfactory to the country. One word more and I have done. The hon. member for Simcoe was pleased to say that he could only suppose my opposition to the ministry arose from dissatisfaction that I was not a member of it. I do think, sir, the insinuation came very ill from the mouth of that hon. gentleman. Well he knows and every leading man of his party, that I was not during the late crisis, that I have never been, an aspirant for ministerial honours; he must know that from the first it was distinctly understood that no matter what party or combination obtained the reins, I would not accept office at present--that I claimed to be with the hon. member for Renfrew a "governmental impossibility." Had I been an office-seeker, Mr. Speaker, the course I have followed in this house would have been the last to be adopted. I might have basely bowed to the prejudices of my colleagues as others have done and pandered when I have opposed. Does the hon. gentleman think I do not know, as other men know, that servility and pliancy are the safest conductors to office. I came here to do my duty to my country and as God has given me judgment I have tried to do it faithfully and uprightly--nor do I fear that when the mists of prejudice and misrepresentation have passed away, my countrymen of all parties will do me justice. The hon. and gallant Knight was pleased to charge those who sit on this side of the House with as great an abandonment of principle as he and his colleagues had been guilty of, because, as he alleges, great discordancy of opinion exists among us. The hon. gentleman, allow me to tell him, greatly over-estimates the discordancy on this side of the House. But what if it were true? An opposition must naturally be composed of all who are dissatisfied with the course of the government. We are not responsible for each other's views--we but unite to guard the public interests from mismanagement by the Ministry of the day--and to urge on the majority those improvements and reforms to which the conservation of office renders them indifferent or disinclined. We are her Majesty's opposition--our duty is to keep her Majesty's Government in order, and so far as we can we mean to discharge our duty faithfully and always courteously. (Cheers, and loud cries of hear, hear.)¹⁶¹

MR. INSP. GEN. CAYLEY.--The honorable member for Lambton has brought the charge against myself and others that the views we now entertain we did not express at the last election. As regards myself, that charge is not correct.

I am free to repeat now what I stated then, that I looked forward to this change which has now taken place, as very probable. I brought to the recollection of my constituents that in all probability those who advocated the views generally advocated by conservatives would be a small minority in this House, and if that should be the case I stated that I should no longer offer any opposition to the settlement of the great question so long agitated in the country. I stated that I looked upon that question as already settled for us by the Act of the Imperial Parliament.¹⁶²

Hear, hear, from MR. PRES. EX. COUN. MACNAB.¹⁶³

MR. INSP. GEN. CAYLEY [continued:] The Imperial Parliament made a grant in this country for certain purposes. That grant was given to certain bodies, and I for many years contended that no one here had a right to make any other distribution of those funds. But Great Britain has revoked her grant by the Imperial Act of 1853, and we are called upon to pass a new Act if we wish to make any provision for the clergy, without any reference to the old settlement which Great Britain has now revoked. She has revoked her grant, making provision only for the actual incumbents, the lands being placed under the control of the Canadian Parliament, only burdened by making that provision. I contended then at the last election that we no longer had any Reserves, except for the actual incumbents, and I am free to admit that it is out of our power--out of the power of a minority of 10, 20, or 30 to bring in a Bill to make a new provision for existing churches in the face of a large majority. I would regard such an attempt as mischievous, and as keeping up a vexed question for an object, the attainment of which was hopeless. I must take the liberty of recalling to the honorable member for Lambton a conversation we had in the public streets of Toronto on this very subject. That honorable gentleman most freely declared that the only cause of separation between the Reformers and Conservatives of Upper Canada was the Clergy Reserves. Mr. Cayley went on to argue that the vote condemning the Administration in June implied that Conservatives as well as Reformers were in favor of a speedy settlement of the Clergy Reserves question. Every Conservative member, therefore, was bound to explain that vote to his constituents, and say whether he really meant it or not, and it was not unreasonable to expect that Conservatives would unite with Reformers to settle the question and put it out of the way for ever.¹⁶⁴

MR. MCKERLIE was strongly of opinion that the gallant knight, the member for Hamilton, and his colleagues, entertained the same views still in regard to the secularization of the Clergy Reserves and other reform measures, and that they had merely changed their position for the sake of office.¹⁶⁵

MR. CHISHOLM suggested that this debate was not in order. (cries of go on! go on.)¹⁶⁶

MR. MCKERLIE.--If he (Mc. K.) stood alone in the House, he would stick by his opinions and not allow any set of men to control them. Why did not the hon. member for Huron and the whole of the conservative members for U.C. who belonged to the coalition, say; "We have done wrong all our lives--regret the political course that we have taken and are sorry for it!" He (McK) would take no man's word so soon as the hon. Premier's, and if he would join in this confession, he (Mr. McK) would at least be ready to give him absolution (hear, hear and laughter). But then the hon. member for Simcoe had stated that of two evils they had chosen the least. Was not that a strange support

to give to an administration. Hon. members had referred to Sir Robert Peel, but that honored gentleman had never in the course of his life changed his political opinions. Now he (Mr. McK) would declare that before the last Election hon. members had not gone to their constituents and told them that they were in favor of the secularization of the Clergy Reserves, but when hon. members came to Quebec, and found that they could obtain office by a desertion of principle, they stopped (sic) to it.¹⁶⁷

MR. GAMBLE.--Had yet to learn that it was any portion of the duty of hon. members to aver that other hon. members had changed their opinions. He (Mr. G.) admired the purity of conscience of the last speaker who had asserted that he would not change his opinions for other hon. members; but the course pursued by the Hon. and Gallant Knight and the other conservative gentlemen was nothing new. It had happened in the formation of the Derby ministry in England.¹⁶⁸ Lord Derby and his friends ... [took] office to carry out the Free Trade policy, although they did not conceal the fact that they still remained Protectionists in principle.¹⁶⁹ He (Mr. G.) believed that the administration were pure in their motives, as they had had the manliness to come forward and face that opprobrium which they expected would be cast upon them by some hon. few members and if the ministry only pursued a liberal policy, they would have a long lease of power.¹⁷⁰

MR. HINCKS said.--I had occasion a few evenings ago to read a letter addressed to me by an hon. friend of mine in Upper Canada, and I was very forcibly impressed with the truth of his remarks when I heard the speech of the honorable member for Brant (Mr. McKerlie). I allude to the reference in that letter to the opprobrium which is cast upon gentlemen who become parties to a coalition of this sort. I think the casting of that opprobrium would come with much more propriety and a better grace from some than from others, and I think the last honorable member who should have cast opprobrium on the coalition, and make the speech he did, was the hon. member for Brant.¹⁷¹

MR. MCKERLIE.--Why?¹⁷²

MR. HINCKS [continued:] Those who knew the antecedents of that hon. gentleman, and the colours under which he came into parliament, will know my reasons for speaking as I do. I was not present while the explanations were being given from the Treasury Benches, but I had the good fortune to hear some explanations from the other side, and I cannot help feeling that there is some ground for congratulating the hon. members from Lower Canada who have formed a coalition with the hon. member for Lambton. It now appears that the whole ground of that hon. member's opposition to the late administration was, that it was too much Lower Canadian, that we paid too much respect to the feelings of the people of Lower Canada, and that the combination which the hon. member for Lambton was wishing to form was for the purpose of preventing the people of Lower Canada from having any of their feelings or any of their wishes carried out. We have had a full explanation from the hon. member for Lambton as to what he desired not only in regard to the Clergy Reserves, but "all the rest of it." We had a little sample the other evening of what he meant by "all the rest of it." We had an opportunity of witnessing the votes on a bill introduced by the hon. member for Terrebonne (Mr. Prévost), and of seeing a grand separation of the hon. member for Lambton and his Upper Canadian friends from the Lower Canadian gentlemen with whom he has been acting, so that notwithstanding all the combination that we understood was formed with gentlemen

from Lower Canada, with the view of carrying on the government, on almost the very first question that arose, we saw a separation taking place. The hon. member for Lambton is not satisfied with a settlement of the Clergy Reserves, but he must have "all the rest of it," and that involves that a College in Lower Canada is not to be incorporated in accordance with the wishes of almost every member from Lower Canada, unless the hon. member for Lambton gets the bill framed to suit his own mind, and I apprehend there is scarcely any modification of the bill which would satisfy him. I wish to put it again to hon. gentlemen who have any sort of common sense, to consider whether the government of this country is to be carried on or not, and whether it is practicable to carry on the government of this country on the principles of the hon. member for Lambton, by setting at defiance the feelings of the people of Lower Canada. The hon. member for Lambton and the gentlemen from Upper Canada who go with him, have only one consistent course to pursue, and that is to go for a dissolution of the Union. If they wish that the government should be carried on in defiance of the feelings of the people of one section of the Province, if they are going to pursue the course which was attempted to be pursued in Holland by governing Belgium by Dutch principles, until the people arose and threw off Dutch authority, or if they are to copy the attempt which was made by England, at least until lately, to govern Ireland upon principles altogether at variance with the feelings of the people--if an attempt is made to govern Lower Canada on those principles, I warn hon. gentlemen that that is a course which cannot be carried out. I do not think, however, that the opinions of the hon. member for Lambton are sustained in Upper Canada. I believe that every election that takes place will show that they are not sustained. But if I believed those views were sustained by the people of Upper Canada, then I would say that the only common sense view would be that the Union should be dissolved.¹⁷³

Hear, hear from the opposition.¹⁷⁴

MR. BROWN said the hon. member for Renfrew had made one of his accustomed speeches for Lower Canada ears--such a speech as was only heard from unfaithful Upper Canada representatives but never from Lower Canadians themselves. The honorable gentleman would make it appear that he (Mr. Brown) and those who thought with him desired to do great injustice to Lower Canada, while in fact all they demanded was bare justice for Upper Canada. The hon. gentleman was also too apt to deliver lectures to the opposition almost their proper course of policy and what their proceedings would certainly end in. He thought it would be at least decent in the hon. gentleman to leave the opposition to chalk out their own course. It ill became a politician who had just broken down ignominiously himself--who in one session had turned a majority of three fourths of the house into a feeble minority--to read lectures to any body.¹⁷⁵

The debate here closed.¹⁷⁶

FOOTNOTES: 24 OCTOBER 1854.

1. GLOBE, 3 November 1854.
2. IBID.
3. IBID.
4. IBID.
5. LE PAYS, 28 October 1854.
6. GLOBE, 3 November 1854.
7. LE PAYS, 28 October 1854.
8. GLOBE, 3 November 1854.
9. IBID.
10. LE PAYS, 28 October 1854, which refers to Mr. Smith (Kingston).
11. LE PAYS, 28 October 1854.
12. IBID.
13. TORONTO LEADER, 30 October 1854, comments: "Previous to Attorney General Macdonald moving the second reading of the Clergy Reserves Secularization Bill, last night, an understanding was come to with some opponents of the Administration, who are in favor of secularization, that the discussion on the merits of the measure was not to take place till the House went into Committee on the Bill. Capt. Rhodes and Mr. Powell, anti-secularizers, had also agreed to reserve their fire till that stage of the proceedings. Mr. Robinson had been prevailed upon to take the same course; and it did seem as if the second reading of this great measure was about to take place without any other discussion than the explanations of the measure by the introducer of the bill, and the simple declaration of the opposition that they would reserve themselves till the measure arrived at its next stage." MONTREAL GAZETTE, 2 November 1854, quoting the Quebec Observer notes: "From seven to twelve o'clock there was a grand palaver on the subject."
14. TORONTO LEADER, 31 October 1854.
15. GLOBE, 3 November 1854.
16. TORONTO LEADER, 31 October 1854.
17. GLOBE, 3 November 1854.
18. MORNING CHRONICLE, 28 October 1854.
19. IBID.
20. GLOBE, 3 November 1854.
21. MORNING CHRONICLE, 28 October 1854.
22. GLOBE, 3 November 1854.
23. TORONTO LEADER, 31 October 1854.
24. IBID.
25. IBID.
26. LE PAYS, 28 October 1854.
27. TORONTO LEADER, 31 October 1854.
28. MORNING CHRONICLE, 28 October 1854.
29. WESTERN PLANET, 15 November 1854. This undated speech is contained in a letter dated 26 October 1854 from the "Quebec correspondent." SHERBROOKE GAZETTE, 28 October 1854 comments: "Mr. Larwell made some very amusing remarks and he looked as though he meant so much fun that every body laughed."
30. WESTERN PLANET, 15 November 1854.
31. IBID.
32. GLOBE, 3 November 1854.
33. MORNING CHRONICLE, 28 October 1854.

34. GLOBE, 3 November 1854.
35. MORNING CHRONICLE, 28 October 1854.
36. TORONTO LEADER, 31 October 1854.
37. GLOBE, 3 November 1854.
38. IBID.
39. MORNING CHRONICLE, 28 October 1854.
40. GLOBE, 3 November 1854.
41. TORONTO LEADER, 31 October 1854.
42. GLOBE, 3 November 1854.
43. LE PAYS, 31 October 1854.
44. GLOBE, 3 November 1854.
45. LE PAYS, 31 October 1854.
46. TORONTO LEADER, 31 October 1854.
47. GLOBE, 3 November 1854.
48. NORTH AMERICAN WEEKLY, 8 November 1854.
49. MORNING CHRONICLE, 28 October 1854.
50. NORTH AMERICAN WEEKLY, 8 November 1854.
51. TORONTO LEADER, 31 October 1854.
52. NORTH AMERICAN WEEKLY, 8 November 1854.
53. LE PAYS, 31 October 1854.
54. NORTH AMERICAN WEEKLY, 8 November 1854.
55. MORNING CHRONICLE, 28 October 1854.
56. TORONTO LEADER, 31 October 1854.
57. MORNING CHRONICLE, 28 October 1854.
58. NORTH AMERICAN WEEKLY, 8 November 1854.
59. TORONTO LEADER, 31 October 1854.
60. MORNING CHRONICLE, 28 October 1854.
61. LE PAYS, 31 October 1854.
62. TORONTO LEADER, 31 October 1854.
63. IBID.
64. MORNING CHRONICLE, 28 October 1854.
65. LE PAYS, 31 October 1854.
66. NORTH AMERICAN WEEKLY, 8 November 1854.
67. TORONTO LEADER, 31 October 1854.
68. NORTH AMERICAN WEEKLY, 8 November 1854.
69. MORNING CHRONICLE, 28 October 1854.
70. NORTH AMERICAN WEEKLY, 8 November 1854.
71. MORNING CHRONICLE, 28 October 1854.
72. NORTH AMERICAN WEEKLY, 8 November 1854.
73. MORNING CHRONICLE, 28 October 1854.
74. NORTH AMERICAN WEEKLY, 8 November 1854.
75. MORNING CHRONICLE, 28 October 1854.
76. IBID.
77. NORTH AMERICAN WEEKLY, 8 November 1854.
78. MORNING CHRONICLE, 28 October 1854.
79. TORONTO LEADER, 31 October 1854.
80. MORNING CHRONICLE, 28 October 1854.
81. TORONTO LEADER, 31 October 1854.
82. MORNING CHRONICLE, 28 October 1854.
83. IBID.
84. NORTH AMERICAN WEEKLY, 8 November 1854.
85. MORNING CHRONICLE, 28 October 1854.
86. NORTH AMERICAN WEEKLY, 8 November 1854.

87. TORONTO LEADER, 31 October 1854.
88. NORTH AMERICAN WEEKLY, 8 November 1854.
89. TORONTO LEADER, 31 October 1854.
90. NORTH AMERICAN WEEKLY, 8 November 1854.
91. MORNING CHRONICLE, 28 October 1854.
92. NORTH AMERICAN WEEKLY, 8 November 1854.
93. TORONTO LEADER, 31 October 1854.
94. NORTH AMERICAN WEEKLY, 8 November 1854.
95. MORNING CHRONICLE, 28 October 1854.
96. TORONTO LEADER, 31 October 1854.
97. NORTH AMERICAN WEEKLY, 8 November 1854.
98. MORNING CHRONICLE, 28 October 1854.
99. LE PAYS, 31 October 1854.
100. TORONTO LEADER, 31 October 1854. NORTH AMERICAN WEEKLY, 15 November 1854, notes: "Mr. Foley the ... member for Waterloo proposed to read an extract from the Streetville Weekly Review, as illustrative of the manner in which the contemplated spoliation is regarded by the genuine Tory press of Upper Canada."
101. NORTH AMERICAN WEEKLY, 8 November 1854.
102. TORONTO LEADER, 31 October 1854.
103. IBID.
104. IBID.
105. MORNING CHRONICLE, 28 October 1854.
106. IBID.
107. TORONTO LEADER, 31 October 1854.
108. MORNING CHRONICLE, 28 October 1854.
109. TORONTO LEADER, 31 October 1854. NORTH AMERICAN WEEKLY, 8 November 1854, adds: "A good deal of discussion took place on the question whether it was allowable to read newspaper extracts, Mr. Speaker inclining to the opinion that it was".
110. MORNING CHRONICLE, 28 October 1854.
111. NORTH AMERICAN WEEKLY, 8 November 1854.
112. MORNING CHRONICLE, 28 October 1854.
113. LE PAYS, 31 October 1854.
114. MORNING CHRONICLE, 28 October 1854.
115. IBID.
116. IBID.
117. MORNING CHRONICLE, 28 October 1854.
118. TORONTO LEADER, 31 October 1854.
119. MORNING CHRONICLE, 28 October 1854.
120. TORONTO LEADER, 31 October 1854.
121. MORNING CHRONICLE, 28 October 1854.
122. NORTH AMERICAN WEEKLY, 8 November 1854.
123. TORONTO LEADER, 31 October 1854.
124. NORTH AMERICAN WEEKLY, 8 November 1854.
125. TORONTO LEADER, 31 October 1854.
126. NORTH AMERICAN WEEKLY, 8 November 1854.
127. IBID.
128. MORNING CHRONICLE, 28 October 1854. MONTREAL GAZETTE, 27 October 1854, states: "Mr. Powell's was found by the Speaker to be out of order, as the rules only admit one form of amendment to the second reading of a bill."
129. MORNING CHRONICLE, 28 October 1854.

130. IBID.
131. NORTH AMERICAN WEEKLY, 8 November 1854.
132. TORONTO LEADER, 31 October 1854.
133. MORNING CHRONICLE, 28 October 1854.
134. NORTH AMERICAN WEEKLY, 8 November 1854.
135. MORNING CHRONICLE, 28 October 1854.
136. MONTREAL GAZETTE, 27 October 1854, remarks: "The yeas on the main motion for the second reading of the bill were called just two or three minutes before midnight. The last name of the yeas was called out by the Assistant Clerk, just on the stroke of twelve; and at that moment the Gas spontaneously went out! 'That is a bad omen!' exclaimed Mr. Murney as he and the nays stood up to vote against the bill." TORONTO LEADER, 31 October 1854, also notes that as the lights dimmed: "Mr. Murney and Mr. Bowes remarked that it was an emblem of the spiritual darkness that was about to overshadow the land in consequence of the act, which the House was consummating."
137. TORONTO LEADER, 31 October 1854, indicates that at the vote on the second reading of the Clergy Reserves Bill: "There were 21 absent, besides the Speaker, making 22 who did not vote. The absent members were: Messrs. Wilson, Cook (Oxford), Rolph, Merritt, Mackenzie, Smith (Victoria), Ross (Northumberland), Egan, Cooke (Ottawa), Masson, Lyon, Whitney, Macdonald (Glengary), Brodeur, McKerlie, Jobin, LeBoutillier, Guevremont, Dostaler, Dufresne and Cameron, besides the Speaker."
138. TORONTO LEADER, 31 October 1854, notes: "The House adjourned a little after 12 o'clock."
139. MORNING CHRONICLE, 27 October 1854.
140. GLOBE, 3 November 1854.
141. MORNING CHRONICLE, 27 October 1854.
142. GLOBE, 3 November 1854.
143. IBID.
144. IBID.
145. MORNING CHRONICLE, 27 October 1854.
146. IBID.
147. IBID.
148. IBID.
149. GLOBE, 3 November 1854.
150. MORNING CHRONICLE, 27 October 1854.
151. GLOBE, 3 November 1854.
152. MORNING CHRONICLE, 27 October 1854.
153. IBID.
154. IBID.
155. IBID.
156. IBID.
157. TORONTO LEADER, 31 October 1854.
158. GLOBE, 3 November 1854.
159. TORONTO LEADER, 31 October 1854.
160. GLOBE, 3 November 1854.
161. IBID.
162. IBID.
163. IBID.
164. GLOBE, 3 November 1854. TORONTO LEADER, 31 October 1854, remarks: "Mr. Cayley was about to refresh Mr. Brown's memory as to the views the latter had expressed in an open conversation at the time of ... the general

election in Toronto, but the latter objected to allow the conversation to be repeated, although he admitted it was an open one."

- 165. GLOBE, 3 November 1854.
- 166. MORNING CHRONICLE, 27 October 1854.
- 167. IBID.
- 168. IBID.
- 169. GLOBE, 3 November 1854.
- 170. MORNING CHRONICLE, 27 October 1854.
- 171. GLOBE, 3 November 1854.
- 172. TORONTO LEADER, 31 October 1854.
- 173. GLOBE, 3 November 1854.
- 174. MORNING CHRONICLE, 27 October 1854.
- 175. GLOBE, 3 November 1854.
- 176. MORNING CHRONICLE, 27 October 1854, which inserts this note immediately after the remarks from opposition benches, (footnote 174). Neither MORNING CHRONICLE, 27 October 1854, nor TORONTO LEADER, 31 October 1854, includes a speech by Mr. Brown.

WEDNESDAY, 25 OCTOBER 1854.

(226)

EPHRAIM COOK, Esquire, Member for the South Riding of the County of Oxford, having previously taken the Oath according to law, and subscribed before the Commissioners the Roll containing the same, took his Seat in the House.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young,--The Petition of A.F. Holmes, M.D., and others, Physicians, practising in the City of Montreal.

By Mr. Flint,--The Petition of G.V.L. Relyea and others, of the County of Hastings.

By Mr. Bourassa,--The Petition of F. Nye and others.

By Mr. Thibaudeau,--The Petition of Mrs. Zoé Bigué, widow of Joseph R. Richard.

By Mr. Papin,--The Petition of the Mutual Assurance Association of the Fabriques of the Dioceses of Montreal and St. Hyacinthe.

By the Honorable Sir Allan N. MacNab,--The Petition of Alexander Davidson, painter and proprietor of the Panorama of the Canadas.

(227)

By the Honorable Mr. Spence,--The Petition of Charles Burrows and others, of the Village of Millbank and its vicinity.

By the Honorable Mr. Chauveau,--The Petition of the Municipality of the County of Quebec; and the Petition of the Reverend P. Sax and others, of Lake Beauport Settlement, and Charlesbourg.

By Mr. Lemieux,--The Petition of the Reverend E. Faucher and others, of the Parish of St. Louis de Lotbinière.

Pursuant to the Order of the day, the following Petitions were read:--

Of John C. Ball and others, of the Township of Niagara; praying that no Bill may be passed interfering with the Road Allowances in the said Township.

Of J.B. Drinville and others, of the Northeast part of the Township of Brandon, and other places in the County of Berthier; praying aid for the construction of a Road to the St. Catherine Concession of the Parish of St. Cuthbert.

Of the Municipality of the Village of St. Thomas; praying an Act to incorporate a Company for the construction of a Railroad between the Niagara and Detroit Rivers, passing through the said Village.

Of Godfrois Milot and others, of the Township of St. Maurice, County of St. Maurice; praying aid for the opening and improvement of certain Roads in the said Township.

Of Charles Hébert, of the City of Quebec; and of Thomas Cary, of the City of Quebec; praying for the adoption of measures to secure to them the payment of a certain amount due to each of them by the late Council of the Municipal District of Quebec.

Of Alexis Pinet, of the City of Montreal; and of Flavien Vallerand; praying for the adoption of measures to secure to them the payment of a certain amount due to each of them by the late Council of the Municipal District of Richelieu.

Of Bernard Smith and others, of the Township of Durham; praying for the passing of an Act to establish Parish and Township Municipalities in lieu of those of Counties, and for a more practicable Road Law.

Of F. Irwin and others, of Durham; praying that Jurors attending the Courts of Law in Lower Canada may be indemnified for their services.

Of Joseph Smith and others, of Durham; praying that the United Counties of Drummond and Arthabaska may be separated, and each entitled to send a Representative to Parliament.

Of Lorance Jurdinne and others, of Durham; praying that those persons who have settled in the Eastern Townships coming under the name of squatters, may be protected by Law in the rights they have so acquired.

Of Ira Cross and others, of Durham; praying for aid in behalf of the Durham Academy.

Of W.R. Dunkerly and others, praying that the annual grant for Common Schools may be augmented to One hundred thousand pounds.

Of Cobourg Division, No. 9, of the Order of the Sons of Temperance; of David Brodie and others, of the Town of Cobourg; and of the Reverend J.B. Mowat and others; praying for the passing of a Prohibitory Liquor Law.

Of P. Blanchet, of St. Mathias; praying for the adoption of measures for the restitution of the Jesuits' College in Quebec, now occupied as a Barracks, to its original design.

Of Damas Bourbonnière and others, of the Parish of St. Bruno; and of J.P. Dubois, of the Parish of Ste. Julie, County of Verchères; praying for the passing of the Bill to repeal certain parts of the Ordinances relating to Winter Roads in Lower Canada, in so far as regards the District of Montreal.

Of the Municipal Council of the County of Kent; praying for the passing of an

(228)

Act to confirm and make valid copies of certain By-Laws of the said Council destroyed by fire in the year 1853.

Of the Municipal Council of the County of Kent; praying that the appointment of County Officers may be placed under the control of the several County Councils.

Of John Keairns and others, of the County of Huntingdon; praying that the Petition of the Montreal and New York Railroad Company for an Act to confirm the amalgamation of the said Road with that of the Champlain and St. Lawrence Railroad, may not be granted.

Of the Municipality of the Township of Huron, County of Bruce; praying for the construction of a Wharf on Pine River, in the said Township.

Of Joseph Cauchon, Esquire, and others, of the Parish of Laval, County of Montmorency, and of the City of Quebec; praying for aid to improve the Road through the said Parish.

Ordered, That the Petition of Thomas C. Keefer, of the City of Montreal, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Taché moved, seconded by Mr. Fournier, and the Question being proposed, That the Report of Mr. Rhéaume on the state of Agriculture in the District of Quebec, forming part of the Documents from the Bureau of Agriculture which were presented on Friday last, be referred to the Select Committee appointed to inquire into the state of Agriculture in Lower Canada; and that it be printed for the use of the Members of this House;

The Honorable Mr. Young moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "Canada" be left out;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Bowes, Brown, Chabot, Church, Clarke, Crawford, Crysler, Jean B. Daoust, DeLong, DeWitt, Dionne, Felton, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Frazer, Galt, Gamble, Gould, Hartman, Jackson, Labelle, Lumsden, Lyon, Roderick McDonald, Sir A.N. MacNab, McCann, Matheson, Mattice, Meagher, Mongenais, Morin, Joseph C. Morrison,

Angus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Rhodes, Robinson, Roblin, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, and Young.--(61.)

(228-229)

NAYS.

Messieurs Bourassa, Bureau, Casault, Cauchon, Chapais, Charles Daoust, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Fergusson, Octave C. Fortier, Fournier, Gill, Holton, Jobin, Laberge, Laporte, Larwill, Loranger, McKerlie, Marchildon, Papin, Polette, Prévost, Sanborn, Taché, and Valois.--(30.)

So it was resolved in the Affirmative.

(229)

Then the main Question, so amended, being put, That the Report of Mr. Rhéaume on the state of Agriculture in the District of Quebec, forming part of the Documents from the Bureau of Agriculture which were presented on Friday last, be referred to the Select Committee appointed to inquire into the state of Agriculture in Lower Canada; the House divided:--And it was resolved in the Affirmative.

Ordered, That the Petition of John C. Ball and others, of the Township of Niagara, be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the Petition of Henry Taylor, of the City of Quebec, be referred to the Joint Committee of both Houses for the regulation and management of the Parliament Library.

On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Morin,

Ordered, That the Order of the day for the House in Committee on the First Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, be rescinded.

Resolved, That this House doth concur with the Standing Committee on Railroads, Canals, and Telegraph Lines, in the First Report of the said Committee.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to incorporate the Provident Life Assurance and Investment Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Act incorporating the Sydenham Harbour Company.

He accordingly presented the said Bill to the House, and the same was (sic) received and read for the first time; and ordered to be read a second time on Wednesday next.

Mr. Mackenzie, from the Standing Committee on Public Accounts, presented to the House the First Report of the said Committee; which was read.

For the said Report, see Appendix (J.J.)

Timothée Brodeur, Esquire, Member for the County of Bagot, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his Seat in the House.

Ordered, That the Petition of Hilaire Allard and others, of the Village of L'Avenir; the Petition of Stanislas Picher and others, of the Township of Bulstrode; the Petition of the Reverend J.O. Prince and others, of St. Norbert d'Arthabaska;

the Petition of the Reverend P.H. Suzor and others, of the Parish of St. Christophe d'Arthabaska; the Petition of Joseph Belanger and others, of the Township of Blanford; the Petition of Pierre Marcotte and others, of the Township of Warwick; the Petition of Lorance Jurdinne and others, of Durham; and the Petition of Louis Richard and others, of the Township of Stanfold, be referred to the Select Committee to which was referred the Bill to improve the Law relating the Betterment.

(230)

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Ignace Gill, Esquire, Joseph Charles Taché, Esquire, William Mattice, Esquire, John Meagher, Esquire; Chairman, Joseph Cauchon, Esquire.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--George Crawford, Esquire, Billa Flint, Esquire, John William Gamble, Esquire, John LeBoutillier, Esquire; Chairman, the Honorable John Hillyard Cameron.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the City of Quebec, to which they had annexed the Petitions referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Joseph Napoleon Poulin, Esquire, the Honorable William Benjamin Robinson, Jacques Olivier Bureau, Esquire, Jean Baptiste Daoust, Esquire; Chairman, Adam Johnston Fergusson, Esquire.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Act incorporating the Hamilton and Toronto Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. BUREAU moved for the appointment of a Committee to examine as to the expediency of promoting the agricultural interest of Canada by establishing Banks founded upon landed and farming stock security, with power to send for persons, papers and records.¹

MR. INSP. GEN. CAYLEY regretted that he could not assent to the appointment of the committee; as he did not believe² that a bank founded solely upon farming and landed security could be looked upon as an available resource in the event of any pressure in the money market taking place, and institutions in the United States, with securities much more available than in these Farming Stock Banks, had been found to be insufficient in such cases of emergency. He (Mr. C.) therefore could not give his assent to the nomination of this committee.³

MR. MERRITT could see no impropriety in referring it to a Committee for investigation, and to obtain[ing] their report. He could not understand why these committees should be objected to.⁴ [He] would allow committees to inquire into anything. The proposed committee would find employment for members who would otherwise be unemployed.⁵

MR. GAMBLE would ask the honorable member for Lincoln whether any Report which might emanate from the committee, would induce him to vote for⁶ the establishment of banks on the proposed security?⁷

MR. HINCKS said the case was so plain that there was no necessity for a committee. The principle of banking on landed security was so unsound that it was not necessary to make any enquiry into the expediency of adopting it. And the very appointment of such a committee ... to a certain extent⁸ gave the sanction of the House to one of the most dangerous principles which we could adopt.⁹

MR. BUREAU (in French) then explained the nature of the institutions he called for¹⁰ à peu près comme suit:--

Je suis surpris que l'hon. Inspecteur-général s'oppose à ce qu'un comité de cette Chambre soit formé pour voir s'il ne serait pas avantageux d'établir des banques de crédit foncier et agricole dans ce pays. Chaque fois qu'il est question des intérêts agricoles, cette Chambre semble manifester beaucoup d'indifférence. Et dans le cas actuel on veut refuser la formation d'un comité qui devra s'occuper d'un sujet des plus importants. Je ne suis pas prêt à dire quel serait le meilleur système de banque de crédit foncier et agricole pour le Canada; je veux laisser au comité l'étude de ce sujet. Les banques de crédit foncier et agricole ont produit de bons effets et d'heureux résultats là où elles ont été mises en opération, comme en Ecosse, en Prusse, en Allemagne, etc.--La classe agricole en Canada n'a pas de capitaux suffisants et réclame l'adoption du système de banques de crédit foncier. Le journal publié par la société d'agriculture en Canada a demandé cette mesure. Ce journal est l'organe des cultivateurs et connaît ses besoins. Les capitaux sont absolument nécessaires pour développer les ressources agricoles, et le crédit est un des principaux agents qui alimentent l'agriculture de même que le commerce et l'industrie.

L'hon. Inspecteur-général trouve que la propriété immobilière n'offre pas une garantie suffisante pour la sûreté de pareilles banques. Alors pourquoi permettre aux banques de mobiliser la valeur de leurs propriétés immobilières en leur permettant l'émission de papier-monnaie (bank-notes) jusqu'à concurrence de la valeur de ces propriétés immobilières? On va plus loin--sur de simples billets promissaires, qui ne sont que des garanties personnelles, on permet pareillement l'émission de billets (bank-notes) pour la valeur de ces billets promissaires.--Qui a fait la prospérité de l'Angleterre? son capital circulant qui dépasse la valeur de la propriété immobilière.

L'abondance des capitaux contribue au développement de toutes les ressources de l'industrie. Le besoin de capitaux en Canada se fait vivement sentir et spécialement dans la classe agricole qui n'a aucune institution pour les lui fournir. Cependant les cultivateurs, qui composent la partie la plus nombreuse et la plus importante de la société, ont droit d'attendre une juste et égale protection. Pourquoi ne pas permettre une institution de crédit foncier, comme la compa[gnie] de Prêt du H. Canada, à qui la législature a donné les pouvoirs les plus extraordinaires à ce sujet. Si l'on compare les sacrifices immenses que l'on a fait pour le commerce, les sommes dépensées pour en développer les ressources avec le peu qui a été fait pour les intérêts agricoles, nous sommes frappés de voir que les cultivateurs ont pour ainsi dire été abandonnés à eux-mêmes, à leurs propres ressources. On a dépensé des millions pour creuser des canaux, en un mot on a tant fait dans l'intérêt du commerce et de l'industrie, et qu'a-t-on fait pour la classe agricole?

On a laissé les cultivateurs sous le poids du régime seigneurial, qui, je l'espère, devra bientôt disparaître, on les a gratifiés de lois inintelligibles

et impraticables, d'un mauvais système de judicature, d'une loi municipale défectueuse, d'un système d'enregistrement qui n'offre aucune sûreté, et par-dessus tout les taxes directes et indirectes ont été réparties de manière à peser plus lourdement sur la classe agricole.

On me dira peut-être que pour encourager l'agriculture on a établi des associations agricoles où les producteurs les plus habiles reçoivent des récompenses: ce sont les expositions agricoles.

J'approuve ces sociétés, mais comment voulez-vous qu'un cultivateur qui n'a pas de capitaux puisse améliorer sa terre, travailler à la défricher promptement, en un mot tirer tout l'avantage qu'offre un bon système de culture? Sans capitaux, l'agriculture n'atteindra jamais ce degré de prospérité qu'on doit attendre du premier des arts. L'établissement de banques de crédit foncier et agricole serait propre à développer les ressources du sol et offrirait au crédit une garantie sûre et profitable.

J'espère donc que la motion devant la Chambre sera adoptée.¹¹

MR. INSP. GEN. CAYLEY.--If the mover wanted to create loan companies to lend money¹² on the security of¹³ farming stock,¹⁴ let a bill be introduced in that shape, and not bring the matter under a false guise.¹⁵ But a bank would not be a proper term for such an institution, nor could it be considered to be one.¹⁶

MR. BELLINGHAM.--Landowners labored under great difficulties in Lower Canada¹⁷. Sometimes it cost £15 or £20 to make a search in the Registry Office to ascertain whether the property was encumbered or not; and they could not always ascertain even then. If some measure could be devised¹⁸ to assist them by opening to them institutions compatible with their necessary requirements¹⁹ it would be important.²⁰

MR. SOL. GEN. H. SMITH said two banks of this kind were established in Upper Canada about the time of the monetary crisis of 1837; one called the Farmers' and the other the Agricultural bank. Neither of them paid any of their notes; and acts of parliament had to be passed to compel the stockholders to pay the losses; the farmers paid nothing. The proposed scheme would be ruinous in its consequence to the country.²¹

MR. AT. GEN. DRUMMOND objected to the wording of the motion. It struck him that the object of the honorable²² gentleman who brought forward this motion was to establish a system of borrowing²³ to enable landowners to get money²⁴ on the security of real estate, for a series of years,²⁵ similar to the institutions which exist in Germany and France, but that would be a different thing to a bank.²⁶ This was very different from banking on real estate²⁷. He (Mr. D.) was adverse to establishing such banks, they would be ruinous to farmers, and they had failed wherever they were tried, but he thought that advantages in addition to those which existed should be offered to land proprietors.²⁸ He had no objection to go into enquiry into this system of loaning; but²⁹ perhaps the honorable member would withdraw his motion, and the matter might be brought up in a more acceptable shape.³⁰

MR. A. DORION (Montreal), would not oppose the subject being referred to a committee as he understood the mover to intend³¹ not to establish a bank to issue notes; but a system of banking similar to the building societies, under which loans would be made for a series of years for the formation of roads and other improvements.³²

MR. INSP. GEN. CAYLEY understood then that the object was to establish a bank, without the power to issue notes. If that clause were inserted he should not object.³³

MR. BUREAU had no objection to amend the motion.³⁴

MR. A. DORION moved that the words "Loan Societies" be inserted in place of "banks."³⁵

MR. FELTON was altogether in favor of referring the motion to a committee as it originally stood. In the United States there were similar institutions to those proposed.³⁶

Some slight discussion [followed.]³⁷

The motion was amended as proposed by MR. A. DORION of Montreal.³⁸

(230)

Resolved, That a Select Committee, composed of Mr. Bureau, the Honorable Mr. Cayley, Mr. Hartman, Mr. Desaulniers, Mr. Jobin, the Honorable Mr. Merritt, Mr. Taché, Mr. Laberge, and Mr. Huot, be appointed to examine as to the expediency of promoting the Agricultural interests of Canada, by establishing Institutions founded on landed and farming stock security, to report thereon from time to time; with power to send for persons, papers, and records.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council do give leave to the ... Honorable John Ross, the Speaker of their House, and the Honorable James Morris and Samuel Mills, two of their Members, to attend the Select Committee of this House to which is referred the charges against the late Administration, on Saturday next, at eleven o'clock in the forenoon, to be examined on the subject of the said reference, if they think fit.

And then he withdrew.

Ordered, That Mr. Casault have leave to bring in a Bill to prevent the taking of Trout with Nets in the Lakes of the County of Saguenay.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

(231)

Ordered, That Mr. Jackson have leave to bring in a Bill further to amend an Act to establish Mutual Insurance Companies in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Frazer have leave to bring in a Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Laberge have leave to bring in a Bill to amend the Acts relating to Building Societies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. FERRIE moved the first reading of a Bill to amend the "Act to extend the Elective Franchise, and better to define the qualifications of voters in certain Electoral Divisions, by providing a system for the Registration of Voters."³⁹

MR. AT. GEN. J.A. MACDONALD (Kingston) said he did not object to the hon. member's introducing (sic) the Bill, but he thought it right to inform him that it would probably be opposed at the second reading, as the subject was at present under the consideration of the Government.⁴⁰

(231)

Ordered, That Mr. Ferrie have leave to bring in a Bill to amend the Act to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions, by providing a system for the registration of Voters.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. BROWN moved, "That a select Committee be appointed (sic) to enquire and report as to the facts connected with the removal of the Postmaster at Brooke, and the appointment of Postmasters at Triumph and other places in the county of Lambton, while the recent Parliamentary Election was proceeding or immediately thereafter; also to enquire and report upon the circumstances connected with the issuing of a Commission of the Peace for the County of Kent in June last, after a vote of this House had been passed adverse to the Administration, and a general election had been ordered; also to enquire and report as to the circumstances connected with a certain grant of £500 from the public chest in the said month of June last, in aid of a road through the said County of Lambton; that the said Committee have power to send for persons and papers, and that it be composed of the Hon. Attorney General East, the Hon. Mr. Hincks, Mr. Papin, Mr. Scatchard (sic), and the mover."

Mr. Brown, in making this motion, said he thought it was only necessary to recall the attention of the House to what passed on a former evening in the course of the debate in regard to the manner in which appointments in the gift of the Crown were made. In that discussion he had brought up the case of the Postmaster of Brooke, and also the case of the Postmaster of Triumph, as illustrations of the system and the statements he then made were contradicted by the Attorney General East.⁴¹

MR. AT. GEN. DRUMMOND.--I beg the hon. member's pardon. I knew nothing at all about the facts, and merely asked the names, in order that I might enquire into the matter, and ascertain whether the statements of the hon. gentleman were correct or not. I did not deny the correctness of those statements, because I knew nothing at all about it.⁴²

MR. BROWN.--I am happy to find that the hon. Attorney General has now retracted the statement he there made. His words were taken down in short hand, and the hon. gentleman said he would not sit here and listen to such statements being made without contradicting them. (Hear, hear.) And having said that, the hon. gentleman went on to state that he had too much confidence in his late colleague (Mr. Cameron) to believe that he would do such things as these, and clearly put upon me the necessity of proving the truth of what I had alleged. In consequence of the hon. gentleman's contradiction of my statements, I have placed his name on the Committee for which I now move. I have also placed upon it the hon. member for Renfrew (Mr. Hincks), who, along with the Attorney General East, was responsible for those transactions. That hon. member stated that the Postmaster of Brooke had got his appointment by fraud, and that it was in consequence of this that the Postmaster General had removed him. I thought it necessary, therefore, to put the hon. member for Renfrew's name on the Committee, that I might have an

opportunity of proving that his statement was not correct, and that, on the contrary, the late Postmaster of Brooke was a most respectable person, and worthy of the situation he filled. (Hear, hear.) I have included in the enquiry other post-offices in Lambton, where similar things took place during the progress of the election. I have also included in my motion the issuing of a Commission of the Peace for the county of Kent, on the eve of the general election, and subsequent to the condemnation of the ministry by the House of Assembly. I have also added another transaction which I did not mention in the former debate, because, as we are to have an enquiry, and parties are to come down from the locality to prove those things, it is as well that the enquiry should embrace the whole proceedings of the Government in reference to the contest for the county of Lambton. The transaction I allude to was this, that, after the vote of this House in June, in condemnation of the late administration, the Hon. Malcolm Cameron obtained from the Executive Council a grant of £500 towards the construction of a road through Lambton, and thereby enabled him to tell the people of Lambton that this would only be the commencement of the grant. It is quite clear that the using of the public money in such a manner was in the highest degree reprehensible. (Hear, hear.) And observe how this money was given. As I am assured, the report of a surveyor, made some eight or ten years ago, in the old days of Government road-making, was hunted up out of the Crown Lands office, by the hon. gentlemen opposite, on the very eve of an election, drawn from the recess where it had been slumbering for years, hurriedly adopted, and sent up to Lambton. These things I am prepared to prove, if I get the Committee.⁴³

MR. PRES. EX. COUN. MACNAB.--The House will recollect⁴⁴ perfectly⁴⁵ what took place the other evening⁴⁶. Certain statements were made on the one side and denied on the other; and it was agreed that there should be a committee to investigate facts. But the motion went beyond this; and⁴⁷ now the hon. gentleman wishes an investigation into all the post-offices. I thought I heard the hon. gentleman say that there was only one postmaster in Brooke.⁴⁸

MR. BROWN.--Certainly--but my motion refers to postmasters in other townships besides Brooke.⁴⁹

MR. PRES. EX. COUN. MACNAB.--I think the House should grant a Committee to enquire about the postmaster of Brooke, but I cannot see the propriety of granting a Committee to enquire about the grant of money for the road, and all those other post-offices, as to which no notice of motion has been given.⁵⁰

MR. BROWN.--What has just fallen from the hon. and gallant knight shows the little attention that is paid by the government to the business of the house. (Hear, hear.) Two days ago I gave written notice of this motion, word for word as it now stands, (Hear, hear.) and it is the hon. gentleman's fault if he did not see it on the notice paper. I think that the hon. and gallant knight should be the last man to burke an enquiry of this nature. It is true that this decision of the Executive Council was come to after the vote of this house⁵¹ in June⁵², that it had no confidence in the administration, and, if it is true that this money was used to tamper with the constituency of Lambton, I hold that we are as much bound to enquire into the whole circumstances, as into the case of the Postmaster of Brooke. I am sure that the house will not allow the administration to stop an inquiry into this matter. They will feel that⁵³ the liberties of the House and⁵⁴ the rights and liberties of the people are imperrilled (sic), if an investigation is not permitted into such transactions as these. (Hear, hear.)⁵⁵

MR. SICOTTE the SPEAKER decided that the practice in England was to allow the House to decide such questions as this.⁵⁶ The hon. member for Lambton was quite in order.⁵⁷

(231)

Mr. Brown moved, seconded by Mr. Wright, and the Question being proposed, That a Select Committee, composed of the Honorable Mr. Attorney General Drummond, The Honorable Mr. Hincks, Mr. Papin, Mr. Scatcherd, and the mover, be appointed to inquire and report as to the facts connected with the removal of the Post Master at Brooke, and the appointment of Post Masters at Triumph and other places in the County of Lambton, while the recent Parliamentary Election was proceeding, or immediately thereafter; also, to inquire and report upon the circumstances connected with the issuing of a Commission of the Peace for the County of Kent in June last, after a Vote of this House had been passed adverse to the Administration, and a General Election had been ordered; also, to inquire and report as to the circumstances connected with a certain grant of Five hundred pounds from the Public Chest in the said month of June last, in aid of a Road through the said County of Lambton; with power to send for persons, papers, and records;

MR. COM. CR. LANDS MORIN said--We are quite willing to grant an enquiry into the matters in the first part of the motion⁵⁸. La première partie de cette proposition a déjà été promise à l'hon. moteur [the mover] lors de la discussion sur la nomination des magistrats. Mais ce monsieur y a ajouté une proposition très importante qui ne se trouvait pas dans l'arrangement fait alors. Il parle de celle qui a rapport à l'octroi de £500 pour construire un chemin.⁵⁹ [This is] merely taking up the grievances of the hon. member for Lambton against the late Postmaster General⁶⁰, qui n'est plus dans le ministère⁶¹, and nothing more.⁶² It conveyed a censure on the ministry⁶³. This is not the place where these things ought to be discussed, and no case has been made out by the hon. member to justify an enquiry. As to whether money was given for the roads in a general way I know not, but the government, notwithstanding the position in which the majority of the house had placed them, had their full responsibilities, as long as they continued a government, and were obliged to carry on the administration of the affairs of the country. Therefore, if a Commission of the Peace was issued, it was only a part of their duty to do so. As to these monies, I do not know what the hon. member refers to, but he has not made out a case. Money has been expended for roads, not only in that section but in other sections. If the hon. member, therefore, will not withdraw the latter part of his motion, I must move an amendment to it⁶⁴ [for an] inquiry into the case as far as related to the Postmasters⁶⁵.

MR. MACKENZIE.--I will make a remark or two while the hon. Commissioner of Crown Lands is drawing up his amendment. It appears that when one of the members of the government goes up to Lambton and gets beaten there, and comes down to Lanark and gets beaten there, and you find there has been a great deal of shabby work going on, they will let some enquiry take place, but not much. (Hear, hear.)⁶⁶ This was an attempt to hush up and stifle inquiry into infamous charges of corruption to gain for Mr. M. Cameron, the election in Lambton. With that view they gave brother Cameron £500 of the public money, and told him to do the best he could with it to get his election; and then if he came back elected and they could keep office, they would smooth things down and make all straight.⁶⁷ Why not allow an enquiry about this £500, as well as the rest? Why all this humbug about responsibility. (Hear, hear.) Where was the responsibility

about assisting Mr. Cameron to secure his election with this £500? Did they give £500 to Haldimand? I trow not. No, it was given to keep the family circle together, and that those who endeavoured to represent public opinion in the house might be prevented from doing so for another four years. (Hear, hear.) Just after the ministry found themselves in a minority, thanks to the hon. member for Lambton and the present Attorney General West (Mr. Macdonald), and other hon. members, they issued this Commission of the Peace, and this Road Grant, in order to bolster up the rottenness and corruption of which they had been guilty. Postmasters were tampered with, and £30,000 voted for roads in Upper Canada, of which brother Cameron received £500 with instructions to hand it out where he could best secure votes with it.--Upon my word, it is rich to see the Commissioner of Crown Lands rising up and trying to get the matter concealed.⁶⁸

MR. COM. CR. LANDS MORIN.--I don't wish to conceal anything.⁶⁹

MR. MACKENZIE.--If you don't want to conceal it, why not let it out? Probe the corruption, and let it come out. For goodness sake, let the hon. gentleman (Mr. Morin) put his paper in his pocket, and let the thing come out.⁷⁰

MR. COM. CR. LANDS MORIN.--No case has been made out.⁷¹ Je m'y oppose seulement parce que l'avis voulu par la règle n'a pas été donné.⁷² This is a condemnatory Committee, and I must make my motion.⁷³

MR. MACKENZIE.--Oh, dear! dear! Whitewashing! Whitewashing!⁷⁴

MR. COM. CR. LANDS MORIN then moved his amendment⁷⁵.

(231)

The Honorable Mr. Morin moved in amendment to the Question, seconded by the Honorable Sir Allan N. MacNab, That all the words after "thereafter" to the word "Lambton" inclusive, be left out;

MR. BROWN.--The hon. gentleman's amendment would stop the enquiry into the circumstances connected with the issuing of the Commission of the Peace for the county of Kent, and also the grant of £500 from the Public Chest in aid of the road through the county of Lambton. The hon. gentleman says I have not made out a case. If he thinks so, I will try to make out one now. And first, in regard to the issuing the Commission of the Peace. It will be recollected that the House passed the vote, on which the Government considered it necessary to go to the country, on a Tuesday,⁷⁶ in June last,⁷⁷ that the prorogation took place on Thursday, and the dissolution on Saturday. On Friday I was told by an hon. member that I had better see the hon. member for Simcoe (Mr. Robinson).⁷⁸ Le samedi ... matin⁷⁹ I saw that hon. member accordingly, and he said to me, "I warn you to look to yourself; they are getting up a Commission of the Peace for your county, and you had better see to it." I went down immediately, to the Executive Council Chamber, and found that the statement was quite true⁸⁰ as a whole batch of magistrates had been appointed for the county of Kent.⁸¹ I saw the Assistant Provincial Secretary West, and he assured me that the papers had passed through the Council some days before, and that they were being expedited with all haste, in order to be got out immediately. When I got up to the county, I found that letters had been received by a large number of persons along the line between the counties of Kent and Lambton, intimating that their names had been placed on the Commissions. Now, there is no one in this House but knows the effect of such commissions issued on the eve of an election.⁸² [It was] with the view there could not be a doubt to influence his election.⁸³ (Hear,

hear.) There are two points to be observed in connection with this transaction; in the first place, the tampering with the freedom of election, and, in the second place, the unconstitutional proceeding of hon. gentlemen opposite in issuing such a commission, after this House had declared that they had no confidence in the Administration. It is clear that the moment that vote passed, their Administrative functions should have ceased, except in so far as was absolutely necessary to carry on the business of the country⁸⁴; for the ground on which of right it held office was cut from under its feet by the vote of non-confidence.⁸⁵ (Hear, hear.) If we had waited for years for a commission of the Peace, it was certainly easy for us to wait a month longer, and, however, the gentlemen who now sit on the Treasury Benches think of it now, they certainly thought (sic) of it then as I do.⁸⁶

MR. PRES. EX. COUN. MACNAB.--I never heard of it till now.⁸⁷

MR. BROWN.--Perhaps not the gallant Knight. I allude to his colleagues. The other night the system of appointing offices, in the gift of the Crown was under discussion. Could there be a case more in point to show the evil working of a system which gives the Government the means of bolstering themselves up, when the Representatives of the people have condemned them (Hear, hear.)⁸⁸ The charges he had made with reference to the Postmasters he could prove⁸⁹. The next part of the motion which the hon. Commissioner of Crown Lands proposes to strike out is "to enquire and report as to the circumstances connected with a certain grant of £500 from the public chest in the said month of June last, in aid of a road through the said county of Lambton." Now, sir, I think I am correct in saying that the order for that grant was passed through the Council on the Saturday after the defeat of the Administration in this House, that it was dated on the 23d of June. (Hear, hear.) And observe what was the effect of it. At a meeting I held with the Hon. Malcolm Cameron in the Township of Sombra, or rather in Dawn, near the Sombra line, one of the electors said something about the roads. "Well," said the hon. gentleman, "I have got a road for you." "But," it was replied, "you will tax us for it." "No," he said, "you will not be taxed for it. I have got it for you without any consideration." The thing appeared to be so monstrous that I paid very little attention to it at the time, but the people at the meeting were left under the impression that the road would start from their locality and run northward. At another meeting at Zone Mills, some twenty miles eastward, we had the same story repeated, and the same impression conveyed, that the road should run north from that place. When we got fifteen miles further, near Smith's Mills, we had the same story again. I then found that an old survey prepared by Mr. Smith, of Euphemia, had been hunted up out of [the] Crown Lands Office, where it had lain for eight or ten years, for the very evident purpose of affecting the election for the county of Lambton.⁹⁰

MR. COM. CR. LANDS MORIN.--Was the road in the Township of Euphemia?⁹¹

MR. BROWN.--Yes.⁹²

MR. COM. CR. LANDS MORIN.--I understand now to what the hon. gentleman refers. It was not⁹³ on Mr. Cameron's recommendation, but mine, that aid to that road was granted. There had been a petition for it some time before.⁹⁴

MR. BROWN asked the date of the petition.⁹⁵

MR. COM. CR. LANDS MORIN.--I cannot recollect the exact date. I stated years ago that there should be a road there.⁹⁶

MR. BROWN.--This is just the ordinary fashion of gentlemen opposite in debate. They meet grave statements by hasty suggestions or denials. The other

night the hon. member for Renfrew, told us that the Postmaster of Brooke had got his office by fraud, but he could not give us any particulars of the transaction. The Hon. Attorney General denied my whole statement flatly because his colleague, in his opinion, was incapable of acting as I said he had done. And now the hon. Commissioner of Crown Lands gets up and tells us that the grant was not made to effect the election, for that he himself recommended the road, on account of a petition presented years before. But how many years before he cannot tell.⁹⁷

MR. COM. CR. LANDS MORIN.--There were petitions a year before, and I thought myself that that was one of the places where, in justice to the population, there ought to be a road.⁹⁸

MR. BROWN.--A very pleasant story, truly! But who were the petitions from?--who presented them? When were they presented? As member for the county I never heard of them. And why did they lie so long buried and forgotten, and came (sic) alive at so auspicious a moment? How was it that the hon. gentleman became so wide awake to the wants of Lambton precisely on the 23rd June, neither sooner nor later--the very day on which Parliament was dissolved! (Hear, hear.) Could there be a more flagrant case than even what has been admitted by the Commissioner of Crown Lands? Ought not such a system be put a stop to, if possibly (sic), by a full enquiry. (Hear hear.) And mark the waste of the public money.⁹⁹ Mr. Cameron made the best use of it, and so impudently and extraordinarily did he speak of it at meetings that he (Mr. B.) at first could not believe that he could be serious; but he afterwards found out the truth.¹⁰⁰ This grant of £500 was given for a road to run through some 30 miles of unsettled land at a cost of some £700 a mile. My good friend Mr. Smith, who was appointed a Commissioner with, I think, two others, to lay out the road, would have swallowed up the whole grant in setting the affair going. I cannot conceive how the present Government can refuse enquiry into such a transaction. If the Government of our country is to stand pure, if freedom of election is to be maintained, if the people are to enjoy the privileges they are entitled to under our constitution, it must be by putting the prompt and firm censure of this House on such¹⁰¹ barefaced corruption¹⁰² of these. (Hear, hear.) It may be true that the late Ministry did not accomplish the object intended, thanks for that to the independent men of Lambton. In how many other cases may elections have been affected by precisely such things as these. (Hear, hear.) And, anxiously as the Ministry seek to stifle the enquiry and screen the guilty parties, I am quite sure that the House will not allow it. (Hear, hear.)¹⁰³ And if the present Ministry desired to purge themselves they should not stifle inquiry.¹⁰⁴

MR. SCATCHERD ne dira rien maintenant de la nomination des maîtres de postes et des magistrats; mais il se plaint fortement de ce qu'on ait donné de l'argent public pour faire ce chemin.¹⁰⁵ Every member of the House was interested in having a full enquiry into these transactions. At present the county of Middlesex was taxed something like £120,000 for public improvements and was it fair that one single county should receive a grant of £500, or any other sum out of the public chest for a local improvement, while other counties had to bear themselves the whole burden of their own improvements? (Hear, hear.)¹⁰⁶ Si ce système doit être suivi, qu'on dise quel comté doit être le favori.¹⁰⁷ Every member of the House was interested in getting a stop put to such a system¹⁰⁸ if only to find which favored ones received grants from the Government he should vote for this Committee.¹⁰⁹

MR. PAPIN [spoke] in French¹¹⁰. [Il] vient d'entendre parler de quelque entendement lors de la discussion sur la nomination des magistrats. Il était présent

dans le temps, et il n'a pas compris qu'il y eût aucun entendement tendant à restreindre l'enquête que le membre pour Lambton proposait de faire. Quand ce monsieur a promis de faire une enquête pour établir ce qu'il avançait, il n'a pas renoncé au droit de s'enquérir des autres choses qui peuvent y avoir rapport. Cette enquête ne se fera pas principalement pour prouver ce qu'a dit le membre pour Lambton; mais elle se fera pour mettre fin à de pareils abus. Le public a un grand intérêt à savoir la vérité dans cette affaire, et il s'étonne d'entendre la proposition de diviser les chefs d'accusations, quand il se rappelle que le solliciteur général du H.-C. a fait nommer il n'y a pas longtemps, un comité chargé de s'enquérir de toutes les accusations qu'on a pu porter contre aucun membre du gouvernement. Dans le temps, quelque membre de l'opposition a prétendu que ce comité ne pourrait s'enquérir que des faits constatés dans une accusation distinctement formulée, mais le ministère s'y est opposé et a dit que ce serait restreindre l'enquête, qu'on dirait, après que le comité aurait fait son rapport, que quoique le gouvernement eût été acquitté de quelques accusations, il en restait encore d'autres. Pourquoi le ministère ne suivrait-il pas aujourd'hui sa doctrine d'hier?¹¹¹

MR. DEWITT with ... much warmth took the same view. These accusations against the late Government were of the very gravest nature. Why one of them was no less a charge than that of taking public money out of the public chest to effect (sic) the elections and the purity of that House! Such a charge struck at the root of the whole system of Government and, it ought to be inquired into.¹¹² [He] thought that ministers should be the very last men to refuse an investigation into such a charge as that.... When charged with such things ministers should be the very first to call for an enquiry, that they might have an opportunity of disproving the allegations, if they could. (Hear, hear.) If it was a fact that the public funds had been used to effect (sic) elections, the whole system of Representative Government was undermined, and responsibility a mockery and a cheat.¹¹³ If true the guilty parties ought to be properly dealt with--if false the accused (sic) to be punished.¹¹⁴ Every man, woman and child in the Province was interested in a thorough enquiry being allowed, for, if they could not have free elections, where would be the public liberties? (Hear, hear.)¹¹⁵

MR. AT. GEN. J.A. MACDONALD said that, if there had been any desire to cover these alleged misdeeds, the Government would not have granted a committee to look even into the Postmaster affair. But that matter having got into the newspapers, and become a matter of public notoriety, and having been introduced into a discussion which took place in this House, a sort of arrangement was come to that the honorable member for Lambton should have a committee to enquire into it. That arrangement having been made, the honorable member should have moved for his committee in the words of the arrangement, and left the other matters for a subsequent motion. The idea that there was any desire to prevent an enquiry as to the issuing of a commission of the Peace, when the Government had just consented to¹¹⁶ the fullest inquiry¹¹⁷ into the appointment of the post-masters, was absurd, a wrong appointment of a post master being a much more serious thing than the wrong appointment of a magistrate¹¹⁸. The office of Postmaster had more emolument connected with it and was worth more than that of magistrate¹¹⁹ constituting a much higher bribe, if a bribe were intended.¹²⁰ If there was wrong in the premises there was greater wrong in the appointment of the Post Master than the magistrates.¹²¹ This he considered was a sufficient answer to the allegation that there was any attempt to hide a corrupt and improper abuse of the power of the Government. The reason why the hon. Commissioner of Crown Lands objected to those enquiries was that the honourable member for Lambton had

not taken the necessary preliminary steps¹²² [to] entitle him to go on.¹²³ The rule in Parliament was to believe that every honorable member stated what he believed to be true, but they were not bound to believe that what he stated actually was true. The honourable member should not have said, "the facts are so and so, and I want leave to prove them," but he should have moved that the commission be laid on the table, and then made a subsequent motion that the commission should be referred to a committee. So also with the honorable gentleman's statement¹²⁴ about the commission of the peace and¹²⁵ about granting £500 to a road. The honorable gentleman had told the House a number of circumstances, but they found he was very much at fault in at least one of those circumstances, and he might be in others. There was no doubt that the hon. member's avowed design was to fasten a charge of improper conduct on his opponent at [t]he election.¹²⁶

MR. BROWN said he wanted to fasten the charge on the Government--on the honorable Commissioner of Crown Lands--quite as much as on his colleague the late Postmaster General.¹²⁷

MR. AT. GEN. J.A. MACDONALD.--The honorable member gets up and makes the serious charge that £500 were improperly given to that road? Why did he not move that the papers relative to that transaction be laid before the House.¹²⁸

MR. BROWN.--Because the fact of the commission and the fact of the £500 grant are admitted--the attendant circumstances are the points of enquiry for the committee.¹²⁹

MR. AT. GEN. J.A. MACDONALD said the first thing the honorable member should have done was to have made out a case for enquiry. Such a course as that taken by the honorable member would never be allowed in the English Parliament. In the first place it was not even asserted that a commission had been issued. The motion merely stated that the committee were to inquire into the circumstances under which a commission had been issued. The hon. member should first have¹³⁰ got a petition and then moved for all the papers connected with the case, with the view of referring the whole to a committee.¹³¹ So also with the road. He should have moved for the order in council, giving the grant to the road, and for the papers showing where the money had been expended, and when these had been laid on the table, the House would be able to judge whether an enquiry was necessary. It was quite evident, notwithstanding the remarks of the honorable gentleman, from the course taken by the present Government with respect to all these enquiries, that they were not liable to the charges of trying to conceal the truth in regard to the charges brought against any of the late or the present administration. If they looked back over the proceedings of this session, they would find that in no one single instance had a case been at all made out for an enquiry, in regard to which the Government had manifested any desire to prevent investigation. But there must be an end to this kind of thing somewhere. If it were allowable for every gentleman to get up and make assertions,¹³² without showing that there was any foundation in them,¹³³ and then get a committee to enquire into the truth of them, the whole time of the House would be occupied with such matters. The statements of the honorable member for Lambton were very specific¹³⁴. [He] might have told a true story, and he (Mr. M.) believed ... from the circumstantial manner in which he told it¹³⁵, he had very little doubt he would make out his case. (Loud cries of Hear, hear.) Still he thought the proper course for him to take was that which he had pointed out.¹³⁶ He repeated that he had no desire to¹³⁷ conceal any thing that the late or the present government had done.¹³⁸

MR. A. DORION (Montreal) said he had not for a long time had occasion (sic) to admire such a¹³⁹ pretty¹⁴⁰ piece of special pleading as the speech which had just been delivered by the hon. Attorney General. (Hear, hear.) The hon. gentleman began by stating that the member for Lambton should have first moved for the papers connected with the appointment of the Justice of Peace¹⁴¹ avant que de demander un comité.¹⁴² If that were necessary, why did they allow an enquiry into the Postmaster affair, without first having the papers on the table? (Hear, hear.) And the other day the Solicitor General moved a Committee to investigate much more serious charges against some of his own honorable colleagues¹⁴³, the member for Renfrew and the late Government.¹⁴⁴ In that case, were any of the papers connected with these charges first moved for? (Hear, hear.) It was singular to observe the inconsistencies of hon. gentlemen on the other side. One day, when it suited their purpose, they moved for a Committee without taking any of those preliminary steps, which on another day in a precisely similar case they declared to be indispensable (sic). Hon. gentlemen on the Treasury Benches knew very well that when the hon. member for Lambton made certain statements and declared that he was ready to accept the responsibility that attached to those declarations. Why then did they oppose the Committee? They knew very well that that hon. member would suffer in his reputation, and would be considered a slanderer, if he did not prove what he had said, and yet they would only allow the enquiry on the most unimportant parts of his motion. The hon. Attorney General had said that the office of a Postmaster was more important than that of a Magistrate, but he would ask whether on the eve of an election, it was more important to appoint one single Postmaster, than to issue a commission for a¹⁴⁵ whole bunch of¹⁴⁶ Justices of the Peace¹⁴⁷ on the eve of an election¹⁴⁸. (Hear, hear.) Which was the most important the appointment of a Postmaster for one part of a county or issuing a commission of the Peace for the whole of the county? The charge against the Government of trying to induce people to vote at an election in a certain way, by a nomination of a large body of Justices was a much graver charge than that of appointing a single Post-Master. (Hear, hear.) If hon. gentlemen on the other side were not afraid of the truth coming out, why should they not allow a Committee to enter upon an enquiry, the result of which would determine whether elections in future could be conducted without being tampered with by the issuing of commissions of the peace, and other offices in the gift of the Crown, which, as bribes, were greater temptations than even sums of money.¹⁴⁹

DR. CLARKE croit qu'il n'y a pas de doute quant au fait que M. Brown a avancé. C'est bien probable que le gouvernement a émané cette commission pour qu'elle exerçât une influence dans l'élection qui allait avoir lieu. Mais le membre pour Lambton est le dernier qui doit se plaindre d'un tel fait, car il (M. Brown) est une des personnes les moins scrupuleuses de la Chambre; aussi¹⁵⁰ the hon. member ... knew that the system which he now condemned had been¹⁵¹ notoriously practised for years¹⁵², yet he was never the man to stand up against it, until he felt his own election affected. He (Dr. C.) did not believe in such reformers.¹⁵³ He (Mr. B.) had complained of the expenditure of a sum of money in Lambton without showing that that county had received an amount disproportionate to its just claims.¹⁵⁴

MR. SOL. GEN. H. SMITH regretted that Mr. Dorion had called the Attorney Generals' (sic) speech special pleading. It was not that. The case that he cited was not analogous¹⁵⁵ to that referred to by the hon. member for Montreal, (Mr. Dorion.) The investigation to be conducted by the Committee which he (the Sol. Gen.) had moved, had been consented to by the late Administration, whose

conduct was to be enquired into, and had been demanded by the Premier of that Administration himself. The hon. member for Lambton would have his Committee, if he brought up his application in the proper way¹⁵⁶ and made out his case¹⁵⁷. He hoped Mr. Brown would withdraw his motion, and take the suggestion of the Attorney General.¹⁵⁸ He hoped the hon. member would consent to the amendment proposed by the Commissioner of Crown Lands.¹⁵⁹

MR. FLINT hoped the honorable member for Lambton would not consent to divide his motion but either carry it or loose it in its entirety. (Hear, hear.) If he wanted anything to convince him that the course he had taken in regard to local appointments was correct, he would be convinced by what had taken place to night. He believed that all such appointments should be taken out of the Crown and placed in the hands of the people. It was very convenient for the Government, on the eve of an election, to make appointments as inducements to the parties who received them to bring their influence to bear on behalf of the Administration, but, while such a system was allowed freedom of election could not be had.¹⁶⁰ There would be continued corruption.¹⁶¹

MR. AT. GEN. J.A. MACDONALD asked if the hon. member (Mr. Flint) had changed his opinion as to patronage? He (Mr. F.) now said if the government retained the local patronage there would be constant corruption; but in his long letter, published the other day, the hon. member complained that the patronage of his county was given to him to distribute.¹⁶² The hon. member would think them all right, if he were only given the whole patronage of his own county. (Laughter.)¹⁶³

MR. FLINT claimed, as the Reporter understood the right to be consulted.¹⁶⁴ He was very anxious to know the truth of the statements about the grant of £500 for a road for he had made some applications himself for grants for roads, and never could get a farthing.¹⁶⁵

MR. J. DORION de Drummond, s'oppose à la division de la proposition. Elle tient à trois choses dont chacune est étroitement liée à l'autre; en faire disparaître une ce serait détruire le reste.¹⁶⁶ [He] urged the importance of having an enquiry into the whole of the charges.¹⁶⁷

MR. POST. GEN. SPENCE said he fully agreed with all that had been said on the other side of the House, in reference to the importance to be attached to charges of so grave a nature as those made by the honorable member for Lambton. He thought, however, that that honorable member should be satisfied with the appointment of a committee, for the investigation of the Post Office charges, and in reference to the others, that he should take the course suggested, by moving for the papers necessary to make out his case. In reference to the patronage of the Post Office Department, he fully agreed with all that had been said, as to the impropriety of dispensing that patronage for that purpose of affecting elections, and the same rule he thought should apply to the issuing of Commissions of the Peace.¹⁶⁸ There was no desire on the part of the government to conceal anything; but the hon. member for Lambton ought to be content to proceed in the regular way pointout (sic) by the Attorney General.¹⁶⁹

MR. TURCOTTE ne voit rien que la Chambre gagnerait si elle accordait cette proposition. Quand même on aurait nommé quelques magistrats et maîtres de poste à la veille d'une élection, il n'y voit aucun mal. Un comité peut bien servir les haines du membre pour Lambton, mais ne peut rien faire pour le public.¹⁷⁰ [He] supported Mr. Morin's amendment.¹⁷¹

MR. FOLEY admitted that the course suggested by the Attorney General was the correct one but contended that that hon. gentleman holding those views had

stultified himself¹⁷² by assenting even to the first part of the enquiry, when he maintained that the moving for the production of papers was a necessary preliminary step to any such enquiry. If it was incorrect and irregular to grant the committee asked for with regard to the latter part of the motion, it was equally irregular and improper to grant it with regard to the first part of the motion, for if the case had been made out in regard to one part of the motion, none had been made out in regard to the other part.¹⁷³ Il ne s'étonne point que les nouveaux membres du ministère, tâchent de cacher ces nominations, parce que ces messieurs ont toujours fait la même chose eux-mêmes. Il ne blâme pas la nomination de partisans; mais il ne sanctionnera jamais l'émanation d'une commission de la paix immédiatement avant une élection pour influencer les électeurs. On ne doit faire cela qu'en cas de nécessité absolue.¹⁷⁴

MR. PROV. SEC. CHAUVEAU.--On avait résolu de la faire longtemps avant.¹⁷⁵

MR. FOLEY.--Voilà une excuse tout aussi valable que celle qu'a faite le Commissaire des Terres il y a quelques minutes.¹⁷⁶ If the honorable member for Lambton had not made out his case, he thought the Commissioner of Crown Lands had done it for him, in stating that the petition upon which that grant of money was founded, was transmitted to the Government about a year before the grant was perfected.¹⁷⁷ Cependant on ne faisait l'octroi que dans le temps où l'on avait besoin d'influencer les électeurs.¹⁷⁸ He asked how it was that during all that time, no action was taken upon the petition by the government. That circumstance gave the affair a very auspicious aspect, and he thought that, in attempting to make an apology, the honorable Commissioner of Crown Lands had afforded just another reason why a full enquiry should be granted. (Hear, hear.)¹⁷⁹ Maintenant le Secrétaire dit qu'on avait résolu d'émaner une commission de la paix; néanmoins on ne l'a fait qu'à la veille de l'appel au pays.¹⁸⁰

MR. PROV. SEC. CHAUVEAU said the Commission of the peace was appointed the 4th of June.¹⁸¹

MR. LORANGER, in French, repeated the arguments urged by the Attorney General West why the latter part of the motion should not be granted.¹⁸² [He] would vote against the whole thing. He did not think there was any evidence before the House, to justify any inquiry whatever.¹⁸³ La proposition ... n'est pas faite, d'après lui, dans le but d'obtenir justice, mais seulement pour satisfaire la rancune du membre pour Lambton.¹⁸⁴

MR. S. SMITH (Northumberland) said he had no objection to the honorable member for Lambton having his committee¹⁸⁵. The refusing of his motion would be only making the hon. member for Lambton a martyr; and give him an opportunity that he was not indisposed to have, of making capital out of doors.¹⁸⁶ Il veut donc que sa proposition soit accordée¹⁸⁷, but if the matter was reduced to a strict line of law, and if it were the case, as the honorable Attorney General had contended, that the honorable member for Lambton had not made out his case according to strict Parliamentary law, he (Mr. Smith) should vote for strict law and he should therefore support the amendment.¹⁸⁸ Il y a une différence entre les diverses parties de cette proposition, en autant que la première partie a pour but de constater une chose qui a été niée quand elle a été avancée par le membre pour Lambton.¹⁸⁹ He thought that those charges might as well have been sent to the Investigation Committee appointed on the motion of

the honorable Solicitor General, as to a committee packed by the honorable member for Lambton himself.¹⁹⁰

MR. BROWN said he was sure it was quite unnecessary for the honorable member for Northumberland to inform the House that he intended to support the Administration. (Hear, hear.) Every one knew that equally well before the honorable gentleman spoke. But he was surprised to hear him told of his (Mr. Brown's) desiring to pack the committee.¹⁹¹

MR. S. SMITH said he had not used the word in an offensive sense. He had not heard the names of the committee read.¹⁹²

MR. BROWN did not know in what way the word could be used except in an offensive sense. Did the honorable gentleman not know that no member could pack a committee, that the objection of one member, even of the member for Northumberland, would cause the committee to be chosen by the House. But the most amusing feature was the cool manner in which the honorable member declared his intention of pinning his faith to the coat-tail of the honorable Attorney General. He had understood that the honorable member for Northumberland was a learned member of the bar himself, and might possibly be capable of forming an opinion of his own. But what was the argument on which they were asked to give up the latter portions of the enquiry? It was said that a committee could not be granted, because the papers had not first been moved for. Now, if that argument applied to the issue of the Commission of the Peace, and the £500 grant to the road, why did it not apply to the Post Office enquiries? "Oh," it was said, "in those cases a contradiction was given on the spot, and therefore he is entitled to an enquiry." But, if honorable gentlemen would look at the motion, they would find that they had allowed to remain in it the charge as to the Postmaster of Triumph, to which no contradiction was given, and the charges in regard to other offices which were not even named on the former occasion. (Hear, hear.) If not contradicted, it was more necessary than ever that the charges should be fully enquired into. The fact of the issuing of the Commission of the Peace had been admitted by the honorable member for Renfrew. The £500 grant was admitted by the honorable Commissioner of Crown Lands.¹⁹³

MR. COM. CR. LANDS MORIN.--I did not admit it.¹⁹⁴

MR. BROWN said that at all events the charge had been upon the notice-paper for two days,¹⁹⁵ et n'a pas été faite sans avis comme a dit le Commissaire des Terres¹⁹⁶, and it was the duty of the Government to have made themselves acquainted with the whole facts, and placed themselves in a position to come down to this House, and either deny or admit the charge. (Hear, hear.) If they denied the charges, on their own premises they should grant the Committee. If they admitted them, there was a still greater necessity for enquiry as to the mere piece of etiquette of asking those papers, he did not require to do so, he had them already. (Hear, hear.) The commission for Kent was [a] matter of public notoriety, and in regard to the £500 he had seen a letter addressed to one of the commissioners, referring to the order in Council.¹⁹⁷ Pourquoi donc ne s'est-il pas informé des faits pour nous les communiquer? C'est parce que ces faits sont vrais.¹⁹⁸ The whole matter simply amounted to this. He had made certain charges in regard to the manner in which the Administration had used the patronage of the Crown to affect the election for Lambton. Those charges had been contradicted--he was placed on his defence and a Committee promised. But now when he sought the Committee and asked leave to prove not only

all that he had alleged but much more,--he could not have it--the matter must be hushed up. (Hear, hear.) He would put it to the House in what light the administration would appear before the country when it went forth that they had refused the enquiry, not on account of any doubt as to the facts, not because the enquiry did not effect the public interests and the rights of the people of Canada, but because the motion for enquiry had not been made in that nice style of etiquette that would please the fastidious tastes of hon. gentlemen opposite. (Hear, hear.)¹⁹⁹ Il laisse volontiers au ministère tout l'honneur de sa position.... Il espère que la Chambre soutiendra sa proposition.²⁰⁰

(231)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(231-232)

YEAS.

Messieurs Alleyn, Bellingham, Bowes, Brodeur, Burton, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Clarke, Crysler, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Labelle, Laporte, Lemieux, Loranger, Attorney General Macdonald, Sir A.N. MacNab, McCann, Meagher, Mongenais, Morin, Angus Morrison, Niles, O'Farrell, Patrick, Polette, Poulin, Pouliot, Robinson, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.--(51.)

(232)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Cook, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Fergusson, Ferrie, Flint, Foley, Frazer, Freeman, Galt, Hartman, Huot, Laberge, Lumsden, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Matheson, Mattice, Merritt, Munro, Papin, Prévost, Sanborn, Scatcherd, Terrill, Valois, Wright, and Young.--(41.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put, That a Select Committee, composed of Mr. Brown, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Hincks, (sic) Mr. Papin, and Mr. Scatcherd, be appointed to inquire and report as to the facts connected with the removal of the Post Master at Brooke, and the appointment of Post Masters at Triumph and other places in the County of Lambton, while the recent Parliamentary Election was proceeding, or immediately thereafter; with power to send for persons, papers, and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Bourassa, Bowes, Brodeur, Brown, Bureau, Burton, Casault, Cauchon, Cayley, Chabot, Chauveau, Clarke, Cook, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Fergusson, Ferres, Ferrie, Flint, Foley, Octave C. Fortier, Frazer, Freeman, Galt, Gamble, Gill, Hartman, Huot, Labelle, Laberge, Laporte, Lemieux, Lumsden, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Marchildon, Matheson, Mattice, Meagher, Morin, Angus Morrison, Munro, Niles, O'Farrell, Papin, Patrick, Polette, Pouliot, Prévost, Robinson, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Terrill, Valois, Wright, and Young.--(81.)

NAYS.

Messieurs Chapais, Desaulniers, Dionne, Thomas Fortier, Fournier, Loranger, Mongenais, Poulin, Taché, Thibaudeau, and Turcotte.--(11.)

So it was resolved in the Affirmative.

(233)

Mr. Mattice moved, seconded by Mr. Mackenzie, and the Question being put, That this House do now adjourn; the House divided:--And it was resolved in the Affirmative.

The House adjourned accordingly.

[DISCUSSION RE: SECURITY OF PUBLIC RECORDS.]

MR. MACKENZIE, on presenting the first Report of the Committee on Printing, stated that the Crown Lands, Receiver General, and Inspector General's offices were in a state of great insecurity as to fire, in regard to the safe keeping and preservation of the Public Records. He deemed it to be a matter of the greatest importance that the subject should immediately be taken up by the Government.²⁰¹

MR. COM. CR. LANDS MORIN admitted the insecurity to a great extent;²⁰² [and] had previously consulted with his colleagues upon the insecurity of the public documents, which had been alluded to. It was not, however, the fault of the Government,²⁰³ which had never had placed in its control the necessary means to obtain security from fire²⁰⁴ as any alteration would involve an enormous expense, but as the question of where the seat of Government should be held was soon to be discussed in the House, means could be devised to effect the safe keeping of the public records.²⁰⁵

MR. MACKENZIE was opposed to keeping all those offices together, because in case of one catching fire, the whole of the buildings would fall a prey to the flames and their contents be destroyed. That state of things should not be allowed to last one moment longer.²⁰⁶

MR. YOUNG (Montreal) concurred, that there is a very great cause for apprehension of fire occurring, and there was no computing the evil which would accrue to the province if it should occur in any of the departments which at present exist, being no protection against fire. He thought that a series of fire proof vaults²⁰⁸ should be erected in the Castle of St. Lewis, Quebec²⁰⁹ and that important documents might be deposited in them.²¹⁰

MR. PRES. EX. COUN. MACNAB said, the Report contained much more than the hon. member, (Mr. Mackenzie) had read. It might be all right; but the usual way was to lay the Report on the table, and to give notice of a day when a motion would be made to adopt it.²¹¹

MR. MACKENZIE then read the remainder of the report; which related to the mode of doing the business in the Inspector-General's office, and the transactions that had taken place there.²¹²

MR. HINCKS did not think there was any objection to the printing of the report, but the contrary; still he thought the mode pointed out by the hon. and gallant Knight, was the regular and proper one.²¹³

MR. MACKENZIE said, he had no objection to the course proposed; and withdrew the motion for printing the report.²¹⁴

[WITHDRAWN MOTION RE: SPECIAL COMMITTEE OF ENQUIRY ON BANKING SYSTEM.]²¹⁵

MR. MERRITT moved for a committee to enquire into the system of banking in the province. In doing so he would make a few remarks in order to explain the objects of the bill. He had since the year 1834 paid particular attention to the system of banking on the opposite side of the boundary and here. He would refer to Hunt's Magazine (no mean authority) which²¹⁶ showed that wherever the system of establishing large banks had been tried it had not worked well. The best system was in²¹⁷ the small State of Rhode Island where banking institutions

are numerous, over any other State in the Union, for the successful operation of them, the only legislative restriction in that State of Rhode Island being that the banks are required to pay the whole amount of their specie when required. There was in Providence not less than a bank for every thousand persons, and they find that there are less bank failures there than in any other State in the Union, and they find, that by redeeming their paper they can go on.²¹⁸ Every man was allowed the banking privilege under certain restrictions. In the State of New York,²¹⁹ the system never worked well until the year 1846, and with a view of remedying the disaster which then took place, they caused their large banks to be placed on a different footing, for where they have the capital at the command of two or three directors, the directors have the power at any time to create a scarcity of money--so could the banks of Montreal and U.C.--they could stop their circulation, and by doing so compel others to follow their example. The directors were nothing but little governments and could do as they pleased. In 1846, in view of this, the people of the State of New York, containing three millions of people, adopted²²⁰ a very simple provision--that no special bank charter should be granted²²¹ since which time there [h]as not been a bank chartered in the State of New York. He held in his hands a return up to the latter end of December, which shewed, that in the space of eight years, there had been no less than 228 banks chartered, having a circulation of 65 millions of dollars. Now he (Mr. M.) wanted to have a committee to enquire how it was, that under one government a system is adopted which is eminently successful, and that under another government, where the same law prevailed, that the system is a failure.²²² In Canada, ... our entire banking capital only amounted to \$7 for every man, woman and child.²²³ One reason why the American banking system worked better than ours was, that they have a constitution which prevents hasty legislation, but we have none. We adopted this system in 1850, but had we adhered to it? No, but while we have banks existing in one particular part of the country, charters are denied to others. The Americans adhered to their banking policy under their constitution, but although we had passed the general banking law in 1850, we had not adhered to it. We had allowed banks to increase their capital under their old system, which they find to be profitable, and will not depart from. We had three or four systems of banking in Canada. The British North American Bank was an illustration of one, that bank was incorporated by the Imperial Parliament in London, and they are allowed to come here, and create as many banks as they please, therefore we had delegated a power to the Imperial Parliament to send banks here and afterwards these bank[s] create others. We had in Canada such institutions as the banks of Montreal, Commercial and Upper Canada, which being incorporated, have been allowed to create other banks by our authority, while we refused to the honorable member for Stanstead the privilege of creating an independent bank. Was there any reason for this. Why should we limit the people in having every facility of banking where they please, instead of restricting them to banking in a few chartered banks. These branches which are formed by the head bank, have their exchanges with the latter and are endowed with all their powers. Now it was evident that such a system could not be continued, and that it was the duty of this House to grant a committee in order²²⁴ to examine the whole matter.²²⁵ By the American system of banking they got six per cent upon debentures and the same upon their money in circulation.²²⁶ The business of the House was not to²²⁷ legislate for individual bankers but for the interest of the public generally (sic), and that is adhered to in the United States. The effect of making the public securities the basis of banking in the State of New York was recently seen in the sale of two lots of state debentures, one of which brought

13½ and the other 12½ per cent, while our debentures in this market are scarcely over par. He meant our provincial bonds payable here in Quebec.²²⁸ He had no objection to the increase of the banking capital; but he would compel the banks to²²⁹ take the bonds and place them at par and by that system the government would increase the value of our debentures. He felt ambitious to see that,²³⁰ if this were not done, our municipal debentures would depreciate in value.²³¹ He wished not to see our debentures being hawked about in the market--there was no reason why they should not be on a par with American debentures. He trusted that the committee would be appointed.²³²

MR. INSP. GEN. CAYLEY objected to the time at which this motion was brought forward.²³³ The government were not prepared to take the step proposed by the honorable mover just at present.²³⁴ The application for an increase of that capital by the banks was²³⁵ shortly coming before the House, and it was the intention of government to see how far they could make the banking system most consonant with the views of the country. In the mean time he was not prepared to assent to the appointment of this committee.²³⁶ [It] might embarrass the government.²³⁷

MR. ROBINSON, thought, that a few banks with large capital, were better than many with a small capital. The public generally preferred large banking institutions. He did not agree with the honorable member for Lincoln, he (Mr. R.) also thought, that the system of establishing agencies for these banks was safe and convenient for the country. The small banks although perfectly safe, had not taken well. No difficulty had arisen in his opinion from our present banking system, notes presented at the counter were always cashed, and he was opposed to any new system.²³⁸

MR. HINCKS.--Considered that the House ought not to sanction these applications for committees except where there was some object to be obtained by their appointment.--He could perfectly understand the importance of appointing a select committee for the purpose of enquiring into the system of banking of the province, if the object was to examine persons well qualified to give information in the various parts of the province.²³⁹

MR. MERRITT said that was the object.²⁴⁰

MR. HINCKS, however did not think that it was particularly expedient to transfer the responsibility of devising the best system of banking, from the ministers of the crown, to a committee. The object appeared to be that instead of the government letting the House know what their views are as to taking the responsibility, the honorable member for Lincoln was to bring forward his particular views upon the subject, and assume the initiative. It seemed to him (Mr. H.) that the honorable member could not have any great object in examining witnesses upon the subject, for it was a matter perfectly familiar to the house, and some two years back when the same subject was before a committee, the honorable member for Lincoln failed to elicit any great information on the subject, that gentleman being²⁴¹ in advance, without any evidence,²⁴² of the opinion that the best system we could have would be a general banking law based upon the banking system of the state of New York. The legislature of the province a long time since determined to adopt that very system, and it was embodied in our general banking law and therefore the honorable member for Lincoln had no objection to make on this score. The banking system of the state of New York, was in operation here, and a general banking law had been adopted and was now in force. He (Mr. H.) thought, that if we were not prepared to sustain the principle of the general banking law, it ought to be repealed. If we wished to establish small banks with

charters in one place we must establish them in others, and abandon the principle of the general banking law, which he did not think would be expedient.²⁴³ There were just two ways of doing:²⁴⁴ Banks could be compelled when applying for new charters to come under the operation of the general banking law, and give those securities to which the honorable member for Lincoln had adverted, or else²⁴⁵ all applications ... for an increase of their capital²⁴⁶ should be refused.²⁴⁷

MR. MERRITT wanted the government to give the House this assurance.²⁴⁸

MR. HINCKS.--The government would have to take the responsibility of deciding what course it was best to pursue, and the House would determine hereafter whether they will support the views of the government or take any other course, but he (Mr. Hincks) did not think that the honorable member for Lincoln's proposition was a right one.²⁴⁹

MR. BROWN congratulated the honorable member for Renfrew on the improvement that had taken place in his opinion since²⁵⁰ that which he took on the question of the public deposits²⁵¹ the other night in regard to this responsibility being thrown upon the government.²⁵²

MR. HINCKS explained.²⁵³

MR. BROWN thought it very necessary that the House should be enlightened upon the subject under consideration²⁵⁴. The Government had promised at an early day, to give their views on the subject of banking. He wished to hold them to the responsibility of doing so; and therefore he hoped the honorable²⁵⁵ member for Lincoln would withdraw his motion until the government came down and decided what system of banking is best for this country, and it was right that the government should take the responsibility of this upon themselves.²⁵⁶

MR. FREEMAN agreed with the honorable member for Lambton that the responsibility of this matter should rest with the Government and not be assumed by a committee. He thought the honorable member for Lincoln had effectually condemned the Free Banking law by declaring that it had been several years in operation, and only two small institutions had been established under it. Either there ought to be no increase of Banking capital except upon the principles of their law or it ought to be cancel[1]ed.²⁵⁷

MR. TERRILL said that the honorable member for Lambton had anticipated his remarks, but the explanations that had fallen from the honorable member for Renfrew had not removed the difficulties which had occurred to him (Mr. Terrill.) He referred to the debate a few nights previous on the bank deposits, to shew that Mr. Hincks advocated a different course being pursued to that of this night. Now what he (Mr. Terrill) wished to see was that independently of the choice of committees a course should be adopted which should bring the administration to a position to declare their views upon the most important questions of depositing the public monies in banks and the banking system generally. He (Mr. Terrill) agreed with the honorable member for Simcoe in believing that the general banking law is a bad one. It was quite proper that the general banking law should be either maintained in its integrity and no increased privilege be offered to the chartered banks in the province, or it should be declared at once through the means of a committee that this general banking law is bad. He would hold that charters to other than chartered banks could not be refused. He (Mr. Terrill) brought in a bill during the last administration for the establishment of small banks,²⁵⁸ for a distant part of the country where such facilities were most

wanted,²⁵⁹ but the administration would not grant it, although they increased the capital of large banks²⁶⁰ centred in a few cities²⁶¹. The general banking law, although by its title would have for its object "the freedom of banking," yet had the opposite effect and while it is acted upon by the legislature so as to prevent applicants from obtaining charters, but at the same time to allow the chartered banks which have for a long series of years derived every advantage possible to have an increase of capital, great injustice was done to the country.²⁶² [He] condemned the late administration for refusing to grant a bank charter²⁶³ [and] felt somewhat afraid that the present administration was inclined to adopt the very same course taken by the last administration in regard to the banking system in some respects, but yet he was fully persuaded that the administration of the day would find it necessary to adopt the principle of letting all the banks come forward and obtain charters. He (Mr. Terrill) being one of the persons named on the committee proposed to be appointed, he must apologise for troubling the House.²⁶⁴

MR. BOWES understood the request of the Inspector General to be that this motion should be postponed. The application of the banks for an increase of their capital was an admission that the banking capital of the country was not sufficient for the wants of the mercantile community²⁶⁵ and that additional capital is required. If the General Banking Law is not found to be such law as all the banks can come under, then the sooner it is removed from the statute book the better, but if individuals are called upon to come in under that law as bankers then it was a great injustice to the public to grant any additional capital to the present banks, unless they come in and issue debentures and notes under the General Banking Law. When the Report of this committee came up, then he thought it would be time for honorable members to state their views. He (Mr. B.) had no doubt that if the honorable Inspector General would undertake to bring down such a system of banking as the government thought would answer for Canada, that the honorable Inspector General would have the support of the House. He (Mr. B.) trusted that although he was to be a member of the proposed committee that the Inspector General would not oppose the committee, as his (Mr. B.'s) desire was to elicit all possible information upon this subject. It was not generally known what difficulties merchants had to labor under at different seasons of the year, for want of a proper system of banking.²⁶⁶

MR. INSP. GEN. CAYLEY hoped the mover would not press his motion; but leave the matter in the hands of the Government.²⁶⁷

MR. MCKERLIE.--The government always wanted to delay their action on such important subjects.²⁶⁸

MR. MACKENZIE.--If the administration would in a day or two come down to the House with some kind of proposition upon this important matter²⁶⁹ of banking²⁷⁰ he would wait.²⁷¹ He agreed with the honorable member for Toronto that²⁷² no bank should have any charter renewed (sic) that does not give security for the re-redemption (sic) of its notes in cash. The state of N.Y. adopted the just and simple principles of making banks who issue notes responsible for their payment, and ... when we in Canada saw that such a system raised their stocks in price we should adopt it.²⁷³ When one [of] the charters of the old banks expired there it was never renewed; but had to establish itself on the Free Banking system. A bad harvest here or in England might create a crisis in which want of security in our banking system would be most injuriously felt.²⁷⁴ The banks here did very little good, their money was lent about in all directions, and charters to do as they pleased, were granted by men in that

very House. Was it right for banks to lend money in the way they had, to railway companies? No answer was necessary. It was necessary that the credit of the province should be upheld, but how was it upheld? In the worst possible manner. Banks were applying for enlarged capital, where other banks could not get charters, the former having the liberty of going into the market, selling their shares, and taking the money out of the pockets of the great mass of the people--aye, it was disgraceful to the age that we live in. If they went on with the old system of banking it would lead to ruin and bankruptcy like in 1837, the American banks having broke[n] to pieces upon such a rotten foundation as the old system.²⁷⁵ In 1837, the American Government had vast sums in the banks and yet they could not get money to pay their troops. The question was not one of little or big banks; it was the kind of system that ought to exist. If we could not learn from the results of wrong systems elsewhere, we should learn in the dear school of all fools--experience.²⁷⁶ The honorable member made a few further remarks and concluded.²⁷⁷

MR. YOUNG said, if he listened to what had been said, he might be tempted to come to the conclusion that the system of banking here worked badly. No one had spoken in favor of it²⁷⁸ but he believed that the banking system of Canada was one of the things that Canadians had reason to be proud of (hear, hear). He believed that in no other country had the system worked better, it being far superior to that of the United States. Having had some experience in the Western States, where small banks exist, and banking charters can be obtained by any person for \$60 or \$100,000, the result of the system was most disastrous to the people there.²⁷⁹ Their notes were at a discount, while²⁸⁰ Canada Bank Bills now circulated in Ohio, Indiana, and Wisconsin, and are taken as readily as the best bills in the United States, and he (Mr. Y.) for one would be very slow indeed to alter our system without feeling very well assured that we were going to have a better one. He could not see any good that would result from the appointment of the proposed Committee. It struck him that the best way would be to let the government come down with their scheme upon the system of banking, when it could be discussed.²⁸¹

MR. FERRIE knew very little about banking; but he thought there were two things of which Upper Canada ought to be proud--its chartered banks and its judges.²⁸² [He] must agree with the hon. member for Simcoe, that a few large banks were better than a great many small ones as in the United States, and with Mr. Young that the chartered banks of Canada she should be proud of.²⁸³ There were two advantages in having a few large banks instead of several small ones. When there were but few, almost everybody knew the genuine notes when they saw them; and large banks had a character abroad which was of great advantage in the matter of foreign exchange.²⁸⁴ [They] tended to introduce foreign capital into the country, which was much wanted. We wanted more such banks.²⁸⁵

MR. FERRES (Missisquoi). The business of the country required an increase in capital of the banks, and a few more banks with capital might be usefully created,²⁸⁶ under the Free Banking law. It was not desirable that it should be repealed. If it did not exist, the complaint would be made that banking was a monopoly; but if any such complaint were made now, the reply would be--"There is the law; get your capital, purchase your debentures and go into operation". This was a new question, and he did not think the government could fairly be called on to express an opinion upon it.²⁸⁷ He (Mr. F.) did not go in for establishing too many small banks. In Vermont, where there were thirty banks, it was difficult to tell a good bill from a bad one. The large number of banks

in the States had given rise to [the] science of counterfeiting which has entered into the social system of the United States. He thought that the General Banking Act had proved to be a failure. The debentures of the United States, although they reached par, were not of their stipulated value.²⁸⁸

MR. FELTON.--Was astonished at the argument of the hon. member for Missisquoi, with respect to the science of counterfeiting in the United States. He could remind that gentleman that²⁸⁹ there was one township in Canada, Dunham, in the hon. member's (Mr. Ferres) county²⁹⁰, Missisquoi, ... [where] more counterfeiting took place ... than in all the United States put together (loud laughter).²⁹¹ Only the other day, a man was sent to the Penitentiary for counterfeiting the notes of the Montreal bank. The chartered banks had an unfair monopoly, and the people paid for it. If we were to adopt a general banking system, let us not have one that favors large and puts down small banks. Let us have a general system that will do equal justice to all parties and all sections of the country.²⁹² All the floating capital in the country was forced into these large banks--they held an unfair monopoly and had an enormous political influence²⁹³, so great that no ministry could resist it; and therefore he did not condemn the present or the late government for upholding them; and it was this very political power which enabled them to get such extensions of their charters as they desire in this House. He hoped the motion would be withdrawn; but that such a general law would be adopted as would operate with equal justice to all individuals and parts of the country.²⁹⁴

MR. SANBORN said the feelings of the country were in favor of establishing more banks in the country. He did not think that this Committee was necessary, and was anxious to hear from the government upon the subject. Counterfeiting was carried on in Canada not only for ourselves but others. The most shrewd counterfeiting operation that was ever discovered was that upon the Bank of Montreal, and it was the most successful in its result.²⁹⁵

MR. MCKERLIE said small banks had been kept down by those great and gross monopolies, the Banks of British North America, of Montreal and the Commercial Bank. He was opposed to all monopolies--to railroads as well as banking monopolies; and if the public would take the notes of a single individual he ought to be allowed to issue them. This committee only contemplated inquiry; and it ought to be granted.²⁹⁶

A slight further discussion [followed.]²⁹⁷

MR. MERRITT répond.²⁹⁸ [He] would withdraw his motion and leave the responsibility of proposing a proper system upon the government. His own belief was that it would be nothing but a proposal to increase the capital of the Montreal Bank, the Commercial and other Banks. And whom would that benefit?²⁹⁹ Il a déjà parlé des avantages qu'on a retiré[s] dans les Etats-Unis d'un système général des banques--un système auquel on adhère.³⁰⁰ The hon. member for Montreal (Mr. Young) said our banks were a credit to the country and that their notes circulated in the western States. But he had not met the arguments adduced in favor of the New York free banking system;³⁰¹ dans ce pays-ci, le capital aggloméré des banques ne donne pas plus que \$8 par tête, pendant que dans l'Etat du New-York les banques possèdent ensemble un capital de \$17½ par tête.³⁰² [New York] had employed \$65,000,000 of capital while we had but \$16,000,000. And the notes of the New York State Banks circulated in the Western States as well as ours.³⁰³ En 1850 on adoptait en Canada la loi de l'Etat de New-York,

et ainsi depuis ce temps on a eu le même système dans les deux pays. Mais ici la loi n'a abouti à rien, et c'est de la raison de ce fait qu'il veut s'enquérir. La raison en est bien simple: en Canada, on n'a pas adhéré à la loi qu'on a faite. Depuis cette loi, on ne devrait ni incorporer des banques nouvelles, ni permettre aux banques existantes d'augmenter leurs capitaux, qu'en adoptant la base qui leur est offerte librement par la loi générale. Autrement qu'on rappelle la loi générale ... donne à toutes les personnes qui le demandent des actes d'incorporation. Au lieu de suivre cette règle³⁰⁴ a previous Administration had given way under pressure of³⁰⁵ deux ou trois banques³⁰⁶--who sent their agents here to get what they wanted--³⁰⁷ d'augmenter leurs capitaux,³⁰⁸ and he foresaw that the present administration³⁰⁹ va donner le même droit à toutes les autres banques de la province d'en faire autant. Pendant qu'on a agi ainsi on a refusé d'incorporer une banque dans les townships de l'Est, par une charte particulière.

Il s'en est suivi que personne ne veut entreprendre de créer des banques sous la loi générale, parce que les capitalistes préfèrent avoir leurs mises dans des anciennes banques qui possèdent des chartes particulières. Si on refusait d'autoriser les augmentations de capital que les banques demandent, ces établissements seraient forcés de se soumettre à l'opération de la loi générale. Ceci nous donnerait l'occasion de vendre nos effets provinciaux, et la valeur en serait augmentée. Dans les Etats-Unis, leurs débentures se vendent à 17 pour cent, parce qu'on est obligé de s'en servir comme base pour l'émission des billets de banque. Ici au contraire, les débentures provinciales n'atteignent que le pair. Il n'aime pas à voir cette différence, et pour cela il veut qu'on s'en tienne à la loi générale, et qu'on refuse tout acte d'incorporation, et toute permission d'augmenter le capital des banques existantes. Pourtant, comme il espère que le gouvernement soumettra bientôt un plan général, il retirera sa proposition.³¹⁰

La proposition est alors retirée.³¹¹

[WITHDRAWN MOTION FOR ADDRESS RE: CLERGY RESERVE FUNDS PAID TO
WESLEYAN METHODIST MINISTERS.]

MR. FLINT moved an address to his Excellency the Governor General, praying his Excellency to cause the proper officer to lay before this House, copies of all vouchers for certain sums of money purporting to have been paid to William Case and others, Wesleyan Methodist Ministers, out of the Clergy Reserve Fund for Upper Canada, as per public accounts for 1853. In supporting his motion, Mr. Flint said that, in looking over the public accounts for 1853 he found a sum of money amounting to £203 14s. 8d. paid to the Wesleyan ministers of Canada East, and £574 10s. paid to William Case, William Ryerson and others, Wesleyan Methodist Ministers in Canada West, out of the Reserve Fund. Certain of the parties named denied that they ever received the money, and said that they had never given any authority to have their names used in connection with the Clergy Reserve Fund. (Hear, hear.) His reasons for bringing the matter up were because he was opposed to the Wesleyan Methodists receiving anything out of that fund, and because, in the second place, he was opposed to persons being put down from year to year as having received those sums, while he believed they never had received a farthing of them and were moreover so wedded to the voluntary system that they never would consent to receive any such assistance. (Hear, hear.)³¹²

MR. INSP. GEN. CAYLEY suggested that the hon. member might go to the office where those documents were kept, and examine the vouchers for himself. If, on further enquiry, he found that there was anything incorrect, he could then take his complaint to the Committee on Public Accounts.³¹³

MR. FLINT said he should have no objection to taking that course, and accordingly withdrew his motion.³¹⁴

FOOTNOTES: 25 OCTOBER 1854.

1. MORNING CHRONICLE, 28 October 1854.
2. TORONTO LEADER, 31 October 1854.
3. MORNING CHRONICLE, 28 October 1854.
4. IBID.
5. TORONTO LEADER, 31 October 1854.
6. MORNING CHRONICLE, 28 October 1854.
7. TORONTO LEADER, 31 October 1854.
8. IBID.
9. MORNING CHRONICLE, 28 October 1854.
10. IBID.
11. LE PAYS, 31 October 1854.
12. MORNING CHRONICLE, 28 October 1854.
13. TORONTO LEADER, 31 October 1854.
14. MORNING CHRONICLE, 28 October 1854.
15. TORONTO LEADER, 31 October 1854.
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22. MORNING CHRONICLE, 28 October 1854.
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30. MORNING CHRONICLE, 28 October 1854.
31. IBID.
32. TORONTO LEADER, 31 October 1854.
33. MORNING CHRONICLE, 28 October 1854.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. GLOBE, 6 November 1854.
40. IBID.
41. NORTH AMERICAN WEEKLY, 15 November 1854.
42. IBID.
43. IBID.
44. IBID.
45. TORONTO LEADER, 31 October 1854.
46. NORTH AMERICAN WEEKLY, 15 November 1854.
47. TORONTO LEADER, 31 October 1854.
48. NORTH AMERICAN WEEKLY, 15 November 1854.
49. IBID.
50. IBID.
51. IBID.

52. TORONTO LEADER, 31 October 1854.
53. NORTH AMERICAN WEEKLY, 15 November 1854.
54. TORONTO LEADER, 31 October 1854.
55. NORTH AMERICAN WEEKLY, 15 November 1854.
56. TORONTO LEADER, 31 October 1854.
57. NORTH AMERICAN WEEKLY, 15 November 1854.
58. IBID.
59. LE PAYS, 31 October 1854.
60. NORTH AMERICAN WEEKLY, 15 November 1854.
61. LE PAYS, 31 October 1854.
62. NORTH AMERICAN WEEKLY, 15 November 1854.
63. MORNING CHRONICLE, 28 October 1854.
64. NORTH AMERICAN WEEKLY, 15 November 1854.
65. MORNING CHRONICLE, 28 October 1854.
66. NORTH AMERICAN WEEKLY, 15 November 1854.
67. MORNING CHRONICLE, 28 October 1854.
68. NORTH AMERICAN WEEKLY, 15 November 1854.
69. IBID.
70. IBID.
71. IBID.
72. LE PAYS, 31 October 1854.
73. NORTH AMERICAN WEEKLY, 15 November 1854.
74. IBID.
75. IBID.
76. IBID.
77. MORNING CHRONICLE, 28 October 1854.
78. NORTH AMERICAN WEEKLY, 15 November 1854.
79. LE PAYS, 31 October 1854.
80. NORTH AMERICAN WEEKLY, 15 November 1854.
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87. IBID.
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89. MORNING CHRONICLE, 28 October 1854.
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92. IBID.
93. NORTH AMERICAN WEEKLY, 15 November 1854.
94. MORNING CHRONICLE, 28 October 1854.
95. IBID.
96. NORTH AMERICAN WEEKLY, 15 November 1854.
97. IBID.
98. IBID.
99. IBID.
100. MORNING CHRONICLE, 28 October 1854.
101. NORTH AMERICAN WEEKLY, 15 November 1854.
102. MORNING CHRONICLE, 28 October 1854.
103. NORTH AMERICAN WEEKLY, 15 November 1854.
104. MORNING CHRONICLE, 28 October 1854.

105. LE PAYS, 31 October 1854.
106. NORTH AMERICAN WEEKLY, 15 November 1854.
107. LE PAYS, 31 October 1854.
108. NORTH AMERICAN WEEKLY, 15 November 1854.
109. MORNING CHRONICLE, 28 October 1854.
110. NORTH AMERICAN WEEKLY, 15 November 1854.
111. LE PAYS, 31 October 1854.
112. MORNING CHRONICLE, 28 October 1854.
113. NORTH AMERICAN WEEKLY, 15 November 1854.
114. MORNING CHRONICLE, 28 October 1854.
115. NORTH AMERICAN WEEKLY, 15 November 1854.
116. IBID.
117. MORNING CHRONICLE, 28 October 1854.
118. NORTH AMERICAN WEEKLY, 15 November 1854.
119. MORNING CHRONICLE, 28 October 1854.
120. NORTH AMERICAN WEEKLY, 15 November 1854.
121. TORONTO LEADER, 1 November 1854.
122. NORTH AMERICAN WEEKLY, 15 November 1854.
123. TORONTO LEADER, 1 November 1854.
124. NORTH AMERICAN WEEKLY, 15 November 1854.
125. MORNING CHRONICLE, 28 October 1854.
126. NORTH AMERICAN WEEKLY, 15 November 1854.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. MORNING CHRONICLE, 28 October 1854.
132. NORTH AMERICAN WEEKLY, 15 November 1854.
133. TORONTO LEADER, 1 November 1854.
134. NORTH AMERICAN WEEKLY, 15 November 1854.
135. MORNING CHRONICLE, 28 October 1854.
136. NORTH AMERICAN WEEKLY, 15 November 1854.
137. MORNING CHRONICLE, 28 October 1854.
138. TORONTO LEADER, 1 November 1854.
139. NORTH AMERICAN WEEKLY, 15 November 1854.
140. MORNING CHRONICLE, 28 October 1854.
141. NORTH AMERICAN WEEKLY, 15 November 1854.
142. LE PAYS, 31 October 1854.
143. NORTH AMERICAN WEEKLY, 15 November 1854.
144. MORNING CHRONICLE, 28 October 1854.
145. NORTH AMERICAN WEEKLY, 15 November 1854.
146. MORNING CHRONICLE, 28 October 1854.
147. NORTH AMERICAN WEEKLY, 15 November 1854.
148. MORNING CHRONICLE, 28 October 1854.
149. NORTH AMERICAN WEEKLY, 15 November 1854.
150. LE PAYS, 31 October 1854.
151. MORNING CHRONICLE, 28 October 1854.
152. NORTH AMERICAN WEEKLY, 15 November 1854.
153. MORNING CHRONICLE, 28 October 1854.
154. TORONTO LEADER, 1 November 1854.
155. MORNING CHRONICLE, 28 October 1854.
156. NORTH AMERICAN WEEKLY, 15 November 1854.
157. TORONTO LEADER, 1 November 1854.

158. MORNING CHRONICLE, 28 October 1854.
159. NORTH AMERICAN WEEKLY, 15 November 1854.
160. IBID.
161. TORONTO LEADER, 1 November 1854.
162. IBID.
163. MORNING CHRONICLE, 28 October 1854.
164. IBID.
165. NORTH AMERICAN WEEKLY, 15 November 1854.
166. LE PAYS, 31 October 1854.
167. GLOBE, 6 November 1854.
168. IBID.
169. TORONTO LEADER, 1 November 1854.
170. LE PAYS, 31 October 1854.
171. GLOBE, 6 November 1854.
172. MORNING CHRONICLE, 28 October 1854.
173. GLOBE, 6 November 1854.
174. LE PAYS, 31 October 1854.
175. IBID.
176. IBID.
177. GLOBE, 6 November 1854.
178. LE PAYS, 31 October 1854.
179. GLOBE, 6 November 1854.
180. LE PAYS, 31 October 1854.
181. MORNING CHRONICLE, 28 October 1854.
182. GLOBE, 6 November 1854.
183. MORNING CHRONICLE, 28 October 1854.
184. LE PAYS, 31 October 1854.
185. GLOBE, 6 November 1854.
186. TORONTO LEADER, 1 November 1854.
187. LE PAYS, 31 October 1854.
188. GLOBE, 6 November 1854.
189. LE PAYS, 31 October 1854.
190. GLOBE, 6 November 1854.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. LE PAYS, 31 October 1854.
197. GLOBE, 6 November 1854.
198. LE PAYS, 31 October 1854.
199. GLOBE, 6 November 1854.
200. LE PAYS, 31 October 1854.
201. MORNING CHRONICLE, 28 October 1854.
202. TORONTO LEADER, 31 October 1854.
203. MORNING CHRONICLE, 28 October 1854.
204. TORONTO LEADER, 31 October 1854.
205. MORNING CHRONICLE, 28 October 1854.
206. IBID.
207. IBID.
208. TORONTO LEADER, 31 October 1854.
209. MORNING CHRONICLE, 28 October 1854.
210. TORONTO LEADER, 31 October 1854.

- 211. IBID.
- 212. IBID.
- 213. IBID.
- 214. IBID.
- 215. According to LA MINERVE, 3 November 1854, the debate on this matter lasted for four and a half hours.
- 216. MORNING CHRONICLE, 28 October 1854.
- 217. TORONTO LEADER, 31 October 1854.
- 218. MORNING CHRONICLE, 28 October 1854.
- 219. TORONTO LEADER, 31 October 1854.
- 220. MORNING CHRONICLE, 28 October 1854.
- 221. TORONTO LEADER, 31 October 1854.
- 222. MORNING CHRONICLE, 28 October 1854.
- 223. TORONTO LEADER, 31 October 1854.
- 224. MORNING CHRONICLE, 28 October 1854.
- 225. TORONTO LEADER, 31 October 1854.
- 226. MORNING CHRONICLE, 28 October 1854.
- 227. TORONTO LEADER, 31 October 1854.
- 228. MORNING CHRONICLE, 28 October 1854.
- 229. TORONTO LEADER, 31 October 1854.
- 230. MORNING CHRONICLE, 28 October 1854.
- 231. TORONTO LEADER, 31 October 1854.
- 232. MORNING CHRONICLE, 28 October 1854.
- 233. TORONTO LEADER, 31 October 1854.
- 234. MORNING CHRONICLE, 28 October 1854.
- 235. TORONTO LEADER, 31 October 1854.
- 236. MORNING CHRONICLE, 28 October 1854.
- 237. TORONTO LEADER, 31 October 1854.
- 238. MORNING CHRONICLE, 28 October 1854.
- 239. IBID.
- 240. IBID.
- 241. IBID.
- 242. TORONTO LEADER, 31 October 1854.
- 243. MORNING CHRONICLE, 28 October 1854.
- 244. TORONTO LEADER, 31 October 1854.
- 245. MORNING CHRONICLE, 28 October 1854.
- 246. TORONTO LEADER, 31 October 1854.
- 247. MORNING CHRONICLE, 28 October 1854.
- 248. IBID.
- 249. IBID.
- 250. IBID.
- 251. TORONTO LEADER, 31 October 1854.
- 252. MORNING CHRONICLE, 28 October 1854.
- 253. IBID.
- 254. IBID.
- 255. TORONTO LEADER, 31 October 1854.
- 256. MORNING CHRONICLE, 28 October 1854.
- 257. TORONTO LEADER, 31 October 1854.
- 258. MORNING CHRONICLE, 28 October 1854.
- 259. TORONTO LEADER, 31 October 1854.
- 260. MORNING CHRONICLE, 28 October 1854.
- 261. TORONTO LEADER, 31 October 1854.
- 262. MORNING CHRONICLE, 28 October 1854.

263. TORONTO LEADER, 31 October 1854.
264. MORNING CHRONICLE, 28 October 1854.
265. TORONTO LEADER, 31 October 1854.
266. MORNING CHRONICLE, 28 October 1854.
267. TORONTO LEADER, 31 October 1854.
268. MORNING CHRONICLE, 28 October 1854.
269. IBID.
270. TORONTO LEADER, 31 October 1854.
271. MORNING CHRONICLE, 28 October 1854.
272. TORONTO LEADER, 31 October 1854.
273. MORNING CHRONICLE, 28 October 1854.
274. TORONTO LEADER, 31 October 1854.
275. MORNING CHRONICLE, 28 October 1854.
276. TORONTO LEADER, 31 October 1854.
277. MORNING CHRONICLE, 28 October 1854.
278. TORONTO LEADER, 31 October 1854.
279. MORNING CHRONICLE, 28 October 1854.
280. TORONTO LEADER, 31 October 1854.
281. MORNING CHRONICLE, 28 October 1854.
282. TORONTO LEADER, 31 October 1854.
283. MORNING CHRONICLE, 28 October 1854.
284. TORONTO LEADER, 31 October 1854.
285. MORNING CHRONICLE, 28 October 1854.
286. IBID.
287. TORONTO LEADER, 31 October 1854.
288. MORNING CHRONICLE, 28 October 1854.
289. IBID.
290. TORONTO LEADER, 31 October 1854.
291. MORNING CHRONICLE, 28 October 1854.
292. TORONTO LEADER, 31 October 1854.
293. MORNING CHRONICLE, 28 October 1854.
294. TORONTO LEADER, 31 October 1854.
295. MORNING CHRONICLE, 28 October 1854.
296. TORONTO LEADER, 31 October 1854.
297. MORNING CHRONICLE, 28 October 1854.
298. LE PAYS, 31 October 1854.
299. TORONTO LEADER, 31 October 1854.
300. LE PAYS, 31 October 1854.
301. TORONTO LEADER, 31 October 1854.
302. LE PAYS, 31 October 1854.
303. TORONTO LEADER, 31 October 1854.
304. LE PAYS, 31 October 1854. Ellipsis represents illegible words.
305. TORONTO LEADER, 31 October 1854.
306. LE PAYS, 31 October 1854.
307. TORONTO LEADER, 31 October 1854.
308. LE PAYS, 31 October 1854.
309. TORONTO LEADER, 31 October 1854.
310. LE PAYS, 31 October 1854.
311. IBID.
312. NORTH AMERICAN WEEKLY, 8 November 1854.
313. IBID.
314. IBID.

THURSDAY, 26 OCTOBER 1854.

(233)

MR. SPEAKER laid before the House,--Return to an Order of this House of the 16th instant, for Papers, Evidence, and Proceedings in the Court of Chancery in the suit of Paterson and others, against Bowes, or the City of Toronto vs. Bowes.

The following Petitions were severally brought up, and laid on the table:--

By Mr. O'Farrell,--The Petition of Mrs. F.X. Roy and other Directresses of the Asylum of the Good Shepherd at Quebec; and the Petition of James Reed, of the Township of Inverness, County of Megantic, Surgeon and Physician.

By Mr. Flint,--The Petition of Thomas Empey and others, of the Township of Thurlow.

By Mr. Frazer,--Two Petitions of the Municipality of the Township of Pelham.

By Mr. Whitney,--The Petition of the Trustees of the Diocesan School at St. Johns, Lower Canada; the Petition of A.L. Taylor, of the West Riding of the County of Missisquoi; the Petition of N.M. Blinn and others, of the Township of Stanbridge; the Petition of the Reverend J. St. Aulin and others, of Clarenceville; and the Petition of A.R. Harris and others, of the West Riding of the County of Missisquoi.

By Mr. Ferres,--The Petition of Henry McCarthy and others, of Sutton and other Townships.

By Mr. Brown,--The Petition of Cornwall Division, No. 91, of the Order of the Sons of Temperance.

By the Honorable Sir Allan N. MacNab,--Two Petitions of the Mayor, Aldermen, and Commonalty of the City of Hamilton.

By the Honorable Mr. Hincks,--The Petition of G.W. Ross and others, of the County of Renfrew.

By Mr. Yeilding,--The Petition of Henry Williams and others, of the Town of Bytown; and the Petition of A. Scott and others, of the Town of Bytown.

By Mr. Mackenzie,--The Petition of John Gowans, Esquire, and others, of Jarvis; and the Petition of Joseph Lemon and others, of the Village of Jarvis, and its vicinity.

By Mr. Matheson,--The Petition of Mary Ann Holehouse and others, of the Township of Blenheim, and others.

By the Honorable Mr. Morin,--The Petition of John Kane and others, of the County of Chicoutimi.

By Mr. Holton,--The Petition of Hugh Allan and others.

By the Honorable Mr. Cayley,--The Petition of Timothy Malowmy and others, of the Township of McGillivray.

(234)

Pursuant to the Order of the day the following Petitions were read:--

Of Mrs. Brigitte Gosselin, of the City of Quebec, widow of the late Augustin Laperrière; representing that her said late husband died in the year 1851, while serving as a Messenger to the Legislative Assembly, having been in that service for twenty years; and praying for a pension.

Of Robert Defries, Post Master to the Legislative Assembly; praying to be put on the same footing as the Clerks of the Legislative Assembly, to participate in the benefits extended to them, and to be remunerated according to his services.

Of Amable Jetté and others, of the Parish of St. Félix de Valois, and others, of the County of Berthier; praying for certain amendments to the Ordinance 2 Vic. cap. 29, and the Act 16 Vic. cap. 125, relating to the erection of Parishes, and the building and repairing of Churches, Presbyteries, and Church Yards in Lower Canada.

Of Robert Spencer and others, of the Township of Thorold, County of Welland; of the Loyal Orange Lodge of Lanark, No. 448; of Jacob Rymal and others, of the Township of Barton; of the Reverend J.B. Mowatt and others; and of P. Hurd and others, of the Township of Reach; praying for the passing of a Prohibitory Liquor Law.

Of the Municipal Council of the County of Grey; praying for the incorporation of a Company for the construction of a Railroad from the Toronto and Guelph Railroad to Owen Sound Harbour, or for an extension of the Charter of the Galt and Guelph Railroad Company for that purpose.

Of Moise Grisi and others, of the Parish of St. Bruno, County of Chambly; praying for the passing of the Bill to repeal certain parts of the Ordinances relating to Winter Roads in Lower Canada, in so far as regards the District of Montreal.

Of Charles N. Tripp, of the City of Hamilton, on behalf of himself and others; praying for an Act of Incorporation under the name of the International Exploring, Mining and Smelting Company.

Of William Griffin and others, of the Township of Elizabethtown; praying for aid in consideration of the losses sustained by them in consequence of the fires which raged in the said Township during the last Summer.

Of E. Short, Esquire, and others, of the Town of Sherbrooke and vicinity; praying aid for the construction of a Convent in the said Town, where the Ladies of the Presentation may keep a Girls' School.

Of William Brown and others, of Kingsey, County of Drummond; praying that the Municipality of Drummond, No. 2, may be discontinued, and the said Township added to the Municipality of Richmond.

Of Thomas C. Allis and others, of Shipton, County of Sherbrooke; praying for certain amendments in the Municipal divisions of that and the adjoining Townships.

Of Thomas Donegan and others, of the Township of Tingwick, County of Drummond; praying that the said Township may, for Municipal purposes, be detached from the Municipality of Drummond No. 2, and attached to the Municipality of Richmond.

Of W. Gamble, Esquire, and others, Millowners, and others; praying for an Act of Incorporation under the name of the Millers, Merchants and Farmers' Bank of Canada West.

Of the Municipal Council of the County of Grey; praying that all appointments to County Offices may be placed at the disposal of the Municipal Councils of the several Counties.

Of William P. McLaren and others; praying an Act of Incorporation for the construction of a Railway from the Village of Galt to the waters of Lake Huron, at or near Saugeen.

Of James Mason and others residing on the proposed line of the Montreal and

(235)

Kingston Railway; praying that the General Railway Clauses Consolidation Act may be so amended as to provide a summary remedy against Railway Companies for damages occasioned by their neglect or trespass on the lands adjoining any such Line of Railway.

Ordered, That the Petition of the Galt and Guelph Railway Company: the Petition of the Municipality of the Town of Guelph; the Petition of the Municipality of the Township of Guelph; and the Petition of the Municipality of the Village of Preston, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Town of Whitby, and to define the limits thereof; and the Bill to incorporate the Canada Ocean Steam Navigation Company, and have prepared certain amendments to each of the said Bills, which they beg to submit for the consideration of Your Honorable House.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Shipton Slate Company, and of the Kingsey Slate Works Company, and find that the Notices have been fully given.

The Petition of the President and Directors of the Great Western Railway Company prays for authority to construct a Branch to Brantford, and also for certain amendments to their Act of Incorporation; one of these amendments proposes to confer certain powers on the Company to provide against the inconvenience and casualties arising through the unavoidable insecurity of level crossings, a provision of this nature would be one having a local interest along the whole line of Road, and would require a Notice to be published in every County crossed by the Railroad, which has not been given. As respects the other matters applied for in the Petition, Your Committee find that sufficient Notice has been given.

On the Petition of Hilaire Peltier, Esquire, of the City of St. John's, Province of New Brunswick, for the exclusive privilege of building Steamers and Wharves on Lake Temiscouata for a certain number of years, Your Committee find that no Notice has been giyen (sic).

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee, pursuant to the Standing Order of Your Honorable House, No. 15, have carefully examined and considered the Reports and Documents laid upon the Table, from the Bureau of Agriculture, and have agreed to recommend, That the following Documents only shall be printed for the Appendix to the Journals, viz:--

No. 1. The Honorable Malcolm Cameron's Report.

No. 2. Mr. Kirkwood's Report on Flax.

No. 5. Report from the Upper Canada Board of Agriculture--without the County and Township Reports.

No. 6. Report from the Lower Canada Board of Agriculture--without the minutes of Proceedings.

(236)

No. 7. Report from Mr. Holwell on the New York Industrial Exhibition--without the accompanying Letters.

No. 9. Abstract of Letters Patent of Inventions from 1824 to 1854--without the descriptions.

And that the following be not printed:--

No. 3. Mr. McDougall's Report on American Agricultural Implements, Seeds, &c. Estimated cost for printing the same £8.

The County and Township Reports appended to No. 5. Estimated cost for printing the same £55.

The minutes of Proceedings accompanying No. 6. Estimated cost for printing the same £7 10s.

The Letters accompanying No. 7. Estimated cost for printing the same £60.

No. 4. Mr. Rhéaume's Report on the Agricultural state of the District of Quebec. Estimated cost for printing the same £70.

No. 8. Mr. Wm. Hutton's Report on Agriculture. Estimated cost for printing the same £6 10s.

And descriptions of Letters Patent of Inventions from 1824 to 1854. Estimated cost for printing the same £90.

Ordered, That the said Report be printed for the use of the Members of this House.

On motion of MR. HOLTON,¹

(236)

Ordered, That the Bill to incorporate the Canada Ocean Steam Navigation Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to enable the Great Western Railway Company to construct a Branch Railway to the Town of Brantford, and to increase its Capital Stock, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the First Report of the Standing Committee on Public Accounts be printed for the use of the Members of this House.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated the 23rd instant, for copies of Correspondence between certain Roman Catholic Bishops and the Provincial Government, in regard to the Clergy Reserves.

By Command,

Secretary's Office,
Quebec, 26th October, 1854.

Pierre J.O. Chauveau,
Secretary.

(Translation.)

To His Excellency the Earl of Elgin and Kincardine, Governor General, &c. &c.

We, the Archbishop and Bishops of the Ecclesiastical Province of Quebec, assembled in this City to consult together for the interests of our respective Dioceses, hail with a feeling of happiness the return of Your Excellency amongst us. The skill and impartial justice which you have displayed, in eight years' administration of the affairs of Canada, are a certain guarantee that the destiny of our country could not be confided to hands better fitted to secure to it peace and prosperity. While thus addressing you, we believe that we give

(237)

utterance to the opinion of the whole Catholic population of the Country, who share with us the feelings of respect and confidence we entertain towards Your Excellency.

In the conviction, therefore, that what Your Excellency has most at heart is the welfare of all classes of society, we think it incumbent on us to avail ourselves of so favorable an opportunity, to invite your attention to two objects which, in our opinion, are in the highest degree important to the welfare of the Western part of this Province. We speak of Separate Schools and the Clergy Reserves. Your Excellency will feel no surprise that Bishops, witnessing with the deepest sorrow the evils which commonly result from mixed Schools, should entreat your aid and protection to enable them to obtain a just and equitable law in favor of Separate Schools. They claim no exclusive privileges, their sole prayer being that the law which governs the Separate Schools in favor of the Protestants of Lower Canada, may be put in force in favor of the Catholics in Upper Canada. This is a right which we feel assured they will not invoke in vain from Your Excellency.

The question of the Clergy Reserves, although of less importance in their eyes, has, nevertheless, aroused their solicitude. They think it therefore a duty to submit to Your Excellency their convictions on this subject.

We cannot conceal from ourselves the truth, that the secularization of the Clergy Reserves, if carried into effect, must produce grievous dissatisfaction among a great body of honorable men. It will be the germ from whence will spring troubles and divisions between the different classes of society, while it will awaken a covetous spirit in some in whose eyes the most sacred rights are not inviolable. As friends of peace, and by the very nature of our office bound to its maintenance among the people, it is our first and dearest duty to prevent, as much as in us lies, the dangerous commotions by which it would be jeopardized. Now we greatly fear that the secularization of the Reserves is a measure fraught with danger to that peace which is so necessary to the progress and the prosperity of the people. We venture then to express a hope that the destination of the Reserves may not be altered, or that, at the least, to remove all cause of reasonable apprehension, the proceeds thereof may ... be divided among the different religious bodies, in proportion to the numbers belonging to each communion.

Permit us, in conclusion, to assure Your Excellency that in this loyal expression of our sentiments relative to the matters herein mentioned, we are far from desiring to embarrass the present administration, who are worthy of the respect and confidence of the Province. Our only aim is the fulfilment of a sacred duty to the faithful entrusted to our care, and the Government itself.

We have the honor to be,

Your Excellency's very humble
and very obedient Servants,

(Signed,)

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P.F., Archb. of Quebec.

Iq., Bish. of Montreal.

Patritius, Bish. Carrhensis.

Adm. Apostolicus.

Jos. Eugenius, Bish. Bypolis.

Armandus, Fr. Ma. Bish. Toronto.

J.C., Bish. of St. Hyacinthe.

C.J., Bish. of Tloa.

Jos. Bish. of Cydonia.

Archiepiscopal Palace,
Quebec, 4th June, 1854.

(238)

Provincial Secretary's Office.

Quebec, 16th June, 1854.

My Lord,--I am commanded by His Excellency the Governor General to acknowledge the receipt of the Address in which Your Grace and the other Catholic Bishops of the Ecclesiastical Province of Quebec, hail, with a feeling of happiness, His Excellency's return amongst us, and in which you at the same time state the views entertained by you on matters of high political importance.

I am also commanded by His Excellency to express to you his sincere thanks for the flattering assurances to him personally which are contained in your Address.

I have the honor to be, My Lord,

Your Grace's most obedient Servant,

(Signed,)

P.J.O. Chauveau,

Provincial Secretary.

His Grace the Archbishop of Quebec.

Return to an Address from the Legislative Assembly, dated 22nd ultimo, for information respecting School property at Longueuil.

For the said Return, see Appendix (K.K.)

On motion of MR. BROWN,²

(238)

Ordered, That the Return relative to the Clergy Reserves, presented this day, be printed for the use of the Members of this House.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to incorporate the Shipton Slate Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of MR. HARTMAN,³

(238)

Ordered, That the Bill to incorporate the Town of Whitby, and to define the limits thereof, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Ferres have leave to bring in a Bill to incorporate the Kingsey Slate Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of MR. S. SMITH, of Northumberland,⁴

(238)

Ordered, That the Papers, Evidences and Proceedings in the Court of Chancery in the suit of Paterson and others, against Bowes, or the City of Toronto vs. Bowes, be referred to the Special Committee appointed for the purpose of investigating all charges preferred against the Members of the late Administration.

Ordered, That the Return relative to School property at Longueuil, presented this day, be printed for the use of the Members of this House.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Annual Report

of the Normal, Model, Grammar, and Common Schools, of Upper Canada, for the year 1853.

For the said Report, see Appendix (B.)

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That Mr. Langton have leave to bring in a Bill to authorize the

(239)

Municipality of the Village of Oshawa to construct a Harbour on Lake Ontario, and to make a Tram Road therefrom to the Village, with power to extend the same to Scugog Lake.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of MR. MACKENZIE,⁵

(239)

Ordered, That the Return relative to the Seignioriness of Lauzon, which was presented on the tenth instant, be referred to the Special Committee appointed for the purpose of investigating all charges preferred against the Members of the late Administration.

Ignace Gill, Esquire, Joseph Charles Taché, Esquire, William Mattice, Esquire, John Meagher, Esquire; Chairman, Joseph Cauchon, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Lotbinière, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Ten in the forenoon.

George Crawford, Esquire, Billa Flint, Esquire, John William Gamble, Esquire, John LeBoutillier, Esquire; Chairman, the Honorable John Hillyard Cameron, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the East Riding of the County of Brant, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

Joseph Napoléon Poulin, Esquire, the Honorable William Benjamin Robinson, Jacques Olivier Bureau, Esquire, Jean Baptiste Daoust, Esquire; Chairman, Adam Johnston Fergusson, Esquire, being the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the City of Quebec, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petitions relative to the Election and Return for the City of Quebec, be referred to the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for that City.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

Ordered, That Mr. Charles Daoust have leave to bring in a Bill to abolish the right of Appeal to Her Majesty's Privy Council, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixth day of November next.

MR. HINCKS moved that it be an instruction to the committee appointed to enquire into the effect of depositing the Public Moneys in one of the Banking Institutions, to enquire also into the circumstances under which the Government account was removed from the Banks of Montreal and British North America, and to report thereon. In supporting this motion, Mr. Hincks said that allegations had frequently been made that the removal of the deposits which had been kept in Banks of Montreal and British North America to the Bank of Upper Canada had been caused by some desire to favour the last named Bank. These charges had been reiterated again and again during the last two or three years⁶. There had been a great deal of discussion in Parliament and in the public papers as to the cause⁷. He therefore thought it right that the subject should be enquired into. A separate Committee would not be necessary but it would be sufficient to make it an additional instruction to the Committee appointed in consequence of the motion of the Hon. Member for Montreal (Mr. Holton) to enquire into the system of depositing the public monies. An enquiry was due not only to himself but to all the members of the late administration.⁸

MR. MACKENZIE saw no necessity for the motion. All the correspondence and information that could be obtained on the subject had been obtained already and was on the Journals of the House.⁹

MR. A. DORION (Montreal) thought the enquiry was a useless one, but if the matter was to be enquired into, let it be referred to a separate Committee, and not mixed up with the subject to be enquired into by the Committee appointed the other night.¹⁰

MR. HOLTON did not wish to have any other subject added to the enquiry of the Committee appointed to report on the system of keeping the public deposits, but if the Hon. Member for Renfrew desired to have himself and his colleagues (sic) put on trial for alleged past misconduct, he would not oppose (sic) it.¹¹

(240)

On motion of the Honorable Mr. Hincks, seconded by Mr. Lemieux,

Ordered, That it be an Instruction to the Select Committee appointed to enquire into the effect which has been produced on the Commercial interests of this Province by the system of keeping the Public Deposits in one of the Chartered Banks, to enquire also into the circumstances under which the Government accounts was removed from the Banks of Montreal and British North America.

On motion of Mr. Jobin, seconded by Mr. Antoine Aimé Dorion,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to lay before this House, a Statement of all Licences granted for working Mines and Minerals in Lower Canada,

from 1847 to the 24th October.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the College Masson at Terrebonne," with an Amendment to the English version only, to which they desire the concurrence of this House.

And then he withdrew.

MR. MACKENZIE moved the appointment of a Committee with instructions to prepare and Report a Bill for the introduction of the principle of voting by Ballot in the Elections of the Legislative Assembly, &c. He maintained that in the present state of society in this country, it was absolutely necessary to have the ballot. A Bill had been passed to extend the Franchise, which required many improvements, among these was the ballot. The franchise was extended to a large body of people, who were not in independent circumstances, to a vast number of officers of the government, for example, who were dependent on those above them.¹²

Il dit qu'il introduit ce bill dans la vue de rendre la votation populaire plus pure, ... en écartant toutes les influences qui peuvent empêcher les électeurs d'agir d'après leurs convictions. On sait que partout il y a de riches créanciers dont les débiteurs sont contraints de suivre la volonté dans les élections. La votation secrète empêcherait le créancier de se venger de son débiteur dans le cas que ce dernier donne sa voix d'une manière libre. Il empêcherait aussi la corruption, car on n'achète que ce qu'on est sûr de posséder, et si la votation au scrutin était établie, on ne serait jamais certain qu'un scélérat qui vendrait sa voix, ne tromperait pas l'acheteur.

La votation au scrutin est plus nécessaire aujourd'hui qu'elle ne l'a jamais été, parce qu'on a étendu le droit de voter aux élections à une classe bien plus grande, et aussi bien plus pauvre qu'autrefois. Cette classe sera, en conséquence de sa pauvreté même, très exposée à l'oppression de ceux qui voudront se venger d'ennemis politiques.¹³ He was also of opinion, that if ever the Reeves and Deputy Reeves were elected directly by the people, they should be elected under the protection of the ballot; as some of the electors might have to go before those parties, to submit to their magisterial jurisdiction.¹⁴ But, if persons could not give an independent vote, it was better that they should not have a vote at all. Two of the most eminent Governors Canada ever had, were powerful advocates of the Ballot, as being a necessary condition of the state of society in which we live, he alluded to Lord Durham and Lord Metcalfe. The late Inspector General also was one of the most powerful advocates of the ballot in Canada, at the time when Lord Durham was here. That Hon. gentleman was not so strong a favourer of the system last year, when the matter was brought before the House, but possibly he might have returned by this time to his former views. In the Parliament of England only a very small majority had prevented the ballot from going into operation. In France and in Belgium it was now in operation with the best results.¹⁵ The people of Massachusetts, as intelligent a people as any on the face of the earth, established the ballot 236¹⁶ [OR] 240¹⁷ years ago; and they had gone on improving it.¹⁸ No one had ever sought to abrogate it. In New York State in 1777, the moment they declared themselves independent, they had adopted the ballot, and had maintained it ever since, and it was now in operation

in almost every State of the Union.¹⁹ In twenty-nine States of the American Union, the ballot had been adopted in one form or another. It was useless to make a pretence of giving power to the people unless they were protected in the exercise of that power. There were people who needed protection from the banks, from landlords, and from Canada companies. If all the tenants of that company had the right of voting, and if they were behind in their payments, what chance would an humble individual like himself have against a nominee of the Canada Company?²⁰ In Huron for example, if a plain man like him had gone up to oppose the present Inspector General, would not the whips of the agents of the Canadian Company have been cracked and the votes gone for the Inspector General although the wants of the people might have been with him (Mr. Mackenzie.)²¹ Dans les clubs et dans toutes les autres réunions de gentilshommes, on se sert de la votation au scrutin, pour décider les questions soulevées dans l'administration de ces sociétés. Si des hommes riches ont besoin de telles précautions dans leurs associations privées, certainement on doit les accorder aux pauvres qui peuvent s'exposer en agissant comme ils l'entendent pour le bien public.²²

MR. INSP. GEN. CAYLEY said that in Huron no more obnoxious stigma could be attached to a candidate than to say that he was the nominee of the Canada Company.²³ There could hardly be a more unpopular ticket than being a nominee of the Canada Company to run upon.²⁴ He did not think the ballot would effect the object intended. Those who were corrupt under the present system would continue to receive bribes although the ballot were introduced. Instead of furnishing a protection to the votes, he believed it would greatly increase immorality.²⁵

MR. MACKENZIE said, at any rate the member for Huron was long the nominee of the Canada Company. In France and in Belgium the ballot had been adopted with success. The State of New York, immediately on becoming independent, established the ballot. When the climate was severe, the winters long and the taxes heavy there would always be found a certain number of poor people to whom the ballot would be a protection. Mr. Papineau had been in favor of the ballot, and introduced a bill to establish it. Mr. Mackenzie concluded by moving, that a Special Committee of seven members be appointed, with instructions to prepare and report to the House a Bill for the introduction of the principle of voting by Ballot in all city, town and county elections of the Legislative Assembly in Upper Canada and in Lower Canada; and the principle of the Ballot to be also applicable to the electors of Legislative Councillors whenever the Legislative Council, or any part thereof, shall be chosen by the popular vote.²⁶

MR. CARTIER said the system of voting by ballot would deprive persons who could not write or read of the franchise.²⁷

MR. INSP. GEN. CAYLEY, in reference to the remarks about the Canada Company's tenants, said that nine years ago, when he got into Parliament, his first act was to take steps to compel the Canada Company to pay their arrears of taxes. He therefore claimed for his constituents as great independence as any other possessed. He did not believe that the ballot would operate beneficially; but, on the contrary, that it would bring about a great increase of demoralization.²⁸

(240)

Mr. Mackenzie moved, seconded by Mr. Jean Baptiste Eric Dorion, and the Question being put, That a Committee of seven Members be appointed to prepare

and report to this House, a Bill for the introduction of the principle of voting by Ballot in all City, Town, and County Elections of the Legislative Assembly in Upper Canada and in Lower Canada, and the principle of the Ballot be also applicable to the Elections of Legislative Councillors whenever the Legislative Council, or any part thereof, shall be chosen by the popular vote; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Bourassa, Cooke, Charles Daoust, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Freeman, Galt, Gould, Hartman, Holton, Jackson, Mackenzie, McKerlie, Marchildon, Merritt, Munro, Papin, Prévost, Roblin, Sanborn, Scatcherd, Sidney Smith, Valois, and Wright.--(29.)

(240-241)

NAYS.

Messieurs Bell, Bowes, Brodeur, Brown, Cameron, Cartier, Casault, Cayley, Chabot, Chapais, Chauveau, Clarke, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Desaulniers, Dionne, Ferres, Ferrie, Fournier, Gamble, Hincks, Labelle, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Matheson, Mattice, Morin, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Turcotte, Whitney, and Yeilding.--(59.)

So it passed in the Negative.

MR. LORANGER moved for leave to introduce a Bill to continue an Act intituled, "An Act for the better regulating the Common of the Seign[i]ory of Laprairie de la Madeleine."29

MR. A. DORION (Montreal) said that the introduction of this Bill raised the question whether the meeting in June was a session or not. He understood it was one of many others which expired on the 1st January 1854, or at the termination of the next ensuing session. If the meeting in June was a session, the Act had expired; if not, it was still in force.³⁰

MR. LANGTON, as Chairman of the Committee on standing orders, objected to the Bill being gone on with until that question should be decided. If the meeting in June was a session, and the Act had therefore expired, a Bill to re-vive it could not be introduced except upon petition and the observance of other formalities not observed in the present case.³¹

MR. BROWN said that the Government ought to have come to some decision on that question before now. Perhaps it would be well for the hon. gentleman to withdraw his Bill until the Government determined what means should be taken for settling the difficulty.³²

MR. AT. GEN. J.A. MACDONALD (Kingston) said that the question whether the meeting in June was a session or not was one to be decided in a Court of Law. It had already been raised before the Court of Queen's Bench, but no decision had as yet been come to.³³

MR. BROWN said that whatever might be the decision of the Courts of Law, the House were at least entitled to the views of the Responsible Ministers of the Crown on the subject. They should be prepared to state at this advanced period of the session the course they proposed to take in reference to the numerous class of Bills referred to.³⁴

After some further conversation the Bill was allowed to be introduced and read a first time.³⁵

(241)

Ordered, That Mr. Loranger have leave to bring in a Bill to continue an Act, intituled, "An Act for the better regulating the Common of the Seigniory of Laprairie de la Madeleine."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Yeilding have leave to bring in a Bill to amend the Act to regulate the duties between Master and Servant in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. FOLEY moved for leave to bring in a bill to explain an Act of Parliament of this Province, intituled, "An Act to repeal certain duties of excise so far as regards Upper Canada, and to vest certain powers in the Municipal Authorities of the Province." Some of the village Municipalities had so construed the act as to assume that it gave them power to impose excise duties on merchants and manufacturers when they brought their goods for sale from an adjoining county, and had passed by-laws of that nature.³⁶ Certain Municipalities ... [had] imposed fines on farmers for selling their produce when taken from one County into another without a license.³⁷ The object of his bill was to prevent such a construction of the act.³⁸

MR. INSP. GEN. CAYLEY said if the bill in any way affected the revenue it must first have the sanction of the Government and be initiated in a Committee of the Whole.³⁹ Any Bills in any way affecting the revenue should first have the sanction of a Committee of the whole House. He considered that this was a Bill to that description.⁴⁰

MR. FOLEY explained that the bill did not affect the revenue; but that a village in the County of Haldimand imposed taxes on the sale of produce brought from another county.⁴¹

Some discussion arose on this point, but MR. SICOTTE the SPEAKER, having decided that the Bill was not one of the class referred to by the Inspector General, it [the Bill] was allowed to be read a fi[r]st time.⁴²

(241)

Ordered, That Mr. Foley have leave to bring in a Bill to explain and amend an Act of the Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to repeal certain Duties of Excise so far as regards Upper Canada, and to vest certain powers in the Municipal Authorities of that part of the Province."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. S. SMITH of Northumberland moved for leave to bring in a bill to legalize the assessments made in Upper Canada, which were completed after the time appointed by law. He stated that by the law a time was limited for completing the assessments and assessment rolls. In many municipalities the assessments

had not been completed in time and it was therefore doubtful whether the taxes in such municipalities could be legally collected. The bill was intended to remedy this evil and remove the doubt.⁴³

MR. ROBLIN said in his county several of the assessment rolls were not completed within a week or so after the time required by law; and a measure of this kind was much wanted.⁴⁴

MR. ROBINSON thought it was a dangerous principle for the Legislature to step in to remedy the consequences of the negligence of certain Municipal officers.⁴⁵

MR. AT. GEN. J.A. MACDONALD said the subject was of great importance, as it affected the rights of voters under the registration act; and the government would have to introduce some measure on the subject. In the meantime, however, he had no objection to the introduction of the bill.⁴⁶

(241)

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to make legal the Assessments made in Upper Canada during the year 1854, and extend the time for making Assessments.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. S. SMITH of Northumberland introduced a bill to make all Township and other Municipal Councillors ex-officio Justices of the Peace. He stated that the title fully explained the contents of the bill. It was merely an extension of the principle introduced by the municipal law, and did not prevent the appointment of Justices by the Government as it heretofore existed.⁴⁷

(241)

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to declare that all Township and other Municipal Councillors shall be ex officio Justices of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the English version only of the Bill, intituled, "An Act to incorporate the College Masson at Terrebonne;" and the same was read, as followeth:--

Page 1, Line 45. Leave out from "erected" to "shall."

The said Amendment, being read a second time, was agreed to.

Ordered, That Mr. Prévost do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendment to the English version only, without any Amendment.

The Order of the day for the third reading of the Bill to amend the Criminal Law of Lower Canada, being read;

MR. CAMERON, moved that the Order for the third reading of the Bill to amend the Criminal Law of Canada be discharged; and the Bill recommitted for Monday next, for the purpose of altering the punishment now affixed by law to the burning of stacks of hay and grain, and amending the clauses relating to Associates of Assize. Mr. Cameron said that during the present Assizes, the very strange

discovery had been made that according to the existing law the burning of haystacks was still a capital offence, and it had been necessary to record sentence of death against a man at Cayuga, who had been convicted of that crime. He desired, therefore, to have the Bill recommitted with a view to getting rid of that anomaly in our Criminal Law.⁴⁸

(241)

Ordered, That the said Order of the day be discharged.

Ordered, That the Bill be re-committed to a Committee of the whole House, for Monday next, for the purpose of altering the punishment now affixed by

(242)

Law to the Burning of Stacks of Hay and Grain, and amending the Clauses relating to Associates of Assize.

The Order of the day for the second reading of the Bill for relief of Merchants, Traders, and others, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Acts to secure the Independence of Members of the Legislative Assembly, being read;

MR. CAMERON moved the second reading of the Bill to amend Acts for securing Independence of the Legislative Assembly, and stated that his object was to alter a provision of the Act passed by last Parliament, which had the effect of putting a stop to proceedings in the case of a contested election, by the party who held the contested seat receiving office and having a new writ issued. He wanted to return to the old law in existence before that Act was passed.⁴⁹

MR. COM. CR. LANDS MORIN said the Government desired the Hon. member to postpone the second reading of the Bill, until they should be able to give their attention to the subject.⁵⁰

MR. CAMERON had no desire to press it just now, but having postponed the second reading twice already at the request of the Government he found it difficult to understand why it should be postponed again.⁵¹

(242)

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to constitute the Electoral County of Sherbrooke into a separate Municipality, and to establish a Registry Office therein, being read;

Ordered, That the Bill be read a second time on Thursday the sixteenth day of November next.

The Order of the day for the second reading of the Bill to amend the Naturalization Laws of this Province, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to prevent the traffic in alcoholic and intoxicating Liquors, being read;

MR. FELTON moved that this bill be read a second time.⁵² Le projet de loi qu'il introduit aujourd'hui est semblable à celle qui a été passée dans les Etats-Unis.⁵³ In submitting it to the House he had no idea of delivering a Temperance Lecture as if that had been his purpose, the bill had rather fallen into other hands. A doubt might strain the minds of hon. members as

to the particular description of measure which would be the most desirable to bring before the House and whether this bill, was of that nature calculated to meet the difficulties which stood in the way of prohibiting the sale of liquors, was for the House to consider. It was scarcely necessary, he presumed, for him to go into a detailed statement; the question had long been open to the public mind and had been presented in all its phases. But yet it might be well to trace a few of the evils arising from the use of alcoholic drinks. Now the largest portion of crimes, for the commission of which, persons are brought before Criminal Courts arises from intemperance. It is admitted upon all hands, that drunkenness is the most fertile source of crime, and is not confined to the poor alone but exists to a large extent among wealthy and educated classes. It was as frequent that we are the drunken gentleman as the drunken poor man. Now this bill involved the principle of absolute prohibition of the manufacture and sale of alcoholic drinks; and the question which will arise is whether Legislation is justifiable. It is if we show, that it is requisite that a great evil be removed. And none other but the means of Legislation, can be employed. As to its being a great public evil, all would admit,--then why should it not be repressed, and what would be the most effectual plan for doing so. As far as the present licence system went, it is quite insufficient for the purpose, and if there was any other system of legislation, that can be employed, for absolutely prohibiting (sic) the sale and manufacture of liquor, let hon. members embody it in a bill and bring it before the House. Some present would assert that such a measure as this, is unconstitutional, but surely, if it was necessary to prevent crime then there is nothing unconstitutional in it. No doubt it would meet with a very strenuous opposition from those who hold that using drinks in moderation, is no offence or crime. He was not disposed to enter into that consideration⁵⁴. There was nothing unconstitutional in the measure he proposed. It was only of a similar class with laws for regulating the manufacture of gunpowder and prohibiting gambling houses and lotteries.⁵⁵ If in order to extinguish (sic) other descriptions of crime, gaming & trafficking in lotteries are prohibited by Legislation, there not being in either or (sic) them, anything contrary to the law of God, still they are injurious to society, and we are obliged to prohibit actions which in themselves though immoral shower evil upon a community. He therefore could not perceive any difference between that Legislation which prohibits gaming, and that which puts down drinking. The same consideration would apply to the laws which regulate felons and beggars. The laws which prohibit the practice of resurrection were necessary likewise. It was not that there is anything immoral in disinterring a dead body for surgical purposes, but to allow the practices of resurrectionists to continue is injurious to society. He took all these cases to be parallel in their application. Now it might be said that moral suasion should be brought to bear upon this question, but he would not enter into that. He looked not at the crime so much which the victim of drink committed but he anathematized (sic) the tempters and those who manufactured the materials for drunkenness, the implement of the murderer, and the felonious hand of the thief. It was all very well to preach a lesson to the debauched, but it would not do to say, that moral suasion would have the effect to stop the business of men who live by tempting every man to commit crime by selling him liquor.⁵⁶ (Hear, hear.)⁵⁷ The defect in the present Legislation arose from this, that licence system does not touch this evil--the tavern keeper is beneath Legislation, but is the enemy's (sic) of the unfortunate drunkard. If we prohibit it[ed] the manufacture and sale of the article generally, we then dealt with

a different class of men to the tavernkeeper, for we came in contact with the large merchant, and men who have got character to lose. But what was the use of him (Mr. F.) continuing, he felt that the greater part of the House had already made up their minds upon the subject, and that what he was now stating, they looked upon with the eye of formality. The people in the country had expressed their opinion upon this measure, and in a most unmistakeable manner through their petitions to this House.⁵⁸ He ventured to say that two-thirds of all the petitions presented to this House during the present session, had related to that one subject, and they all concurred in asking a law of this character.⁵⁹ If so, he (Mr. F.) thought that the House were bound to carry them out, and he would call upon all hon. members who though not temperate themselves represented constituencies favorable to prohibiting the liquor traffic, to vote in favor of this bill.⁶⁰ Il ajouta quelques remarques pour prouver que la loi prohibitive a fonctionné avantageusement dans les Etats-Unis.⁶¹ He would conclude by moving, that the bill be read a second time.⁶²

MR. MCKERLIE said there was another bill for the suppression of intemperance before the House.⁶³ Several Bills had been introduced this session all relating to the same subject, and he would suggest that the whole of them should be sent to a special Committee, with the view of having a measure matured that would meet with the concurrence of the House.⁶⁴

MR. FELTON questioned the fact [that another Bill was before the House].⁶⁵

MR. COM. CR. LANDS MORIN. It was not the intention of the Government to express any opinion at this moment, as to what kind of measure ought to be adopted for the attainment of the bill. There were so many conflicting views upon the question although there were numerous petitions in favor of it, that it was impossible to say which plan would be the best to be adopted; but the Government were prepared to have this important subject considered by the Committee which had already been appointed by the House (the Temperance Committee,) and the Government were reserving their action upon the matter, until the report of the committee came before them, and they desired that all bills upon the subject of Temperance, be referred to ... the committee. The Government had no objection to this bill being referred to the Committee.⁶⁶ Maintenant il votera pour la seconde lecture du bill, qu'il veut voir renvoyé au comité déjà nommé pour considérer les meilleurs moyens de réprimer l'intempérance. Ce comité fera probablement un rapport en faveur de quelque projet de loi atteignant ce but, et sans s'engager pour les détails, le gouvernement très certainement favorisera une mesure pour restreindre le vice de l'intempérance.⁶⁷

MR. HARTMAN expressed his gratification at the announcement now made by the Government, as shewing there was no inclination on their part to oppose the principle of the Bill, which was the entire suppression of all traffic in intoxicating drinks. (Hear, hear.) So far there had been a gain to the cause he advocated since the matter was formerly under discussion in Parliament. (Hear, hear.)⁶⁸ Without pledging himself to the bill as it stands, he would vote for the second reading with the understanding that it should go to the Temperance Committee but there were a great many details of the bill which did not meet his approval.⁶⁹ He thought the discussion of the question would best come up, when the Committee, to whom this and other Bills were to be referred, submitted their report.⁷⁰

MR. COM. CR. LANDS MORIN said that he had admitted that legislation on the subject of Intemperance was necessary, but he did not mean to admit that the principle of this Bill was the principle which should regulate such legislation.⁷¹

MR. CAMERON considered that the Bill before being read a second time should be considered in Committee of the whole, as it contained he did not know how many penalties.⁷²

MR. PRES. EX. COUN. MACNAB. If the bill in any of its clauses imposed a penalty, the House might go on with the bill until they came to the particular clause and then go into committee.⁷³

[MR. CAMERON continued:] If it was understood that the adoption of the principle of the Bill was implied in its second reading being allowed, he would vote against it.⁷⁴

MR. FELTON. According to the hon. member for Toronto's statement, no bill could be introduced of this character. Where a penalty is imposed, the custom was to leave [a] blank for the amount, and then to fill it up afterwards in the committee of the whole, or in a special committee, but the hon. member could not stop the bill going into a committee because of the penalty being stated.⁷⁵

MR. MACKENZIE said there had been no difficulty, when the Bill was under discussion last year, in regard to penalties, when the second reading was moved. It was the opinion of the House then, that on the second reading they could proceed to debate the principle of the Bill, and they did debate it, and only lost it by four votes. He thought there was nothing to prevent the same course now.⁷⁶

MR. BROWN (ironically.) It was a Government question.⁷⁷

MR. COM. CR. LANDS MORIN. It was not.⁷⁸

MR. MACKENZIE. It was nonsense to require the bill to go into committee of the whole for this small penalty being put in the bill.⁷⁹

MR. SICOTTE the SPEAKER, referred to the 47th rule which regulated the point in dispute.⁸⁰

MR. BROWN said the question was very fully discussed last year on this same Bill, which was introduced by the Hon. Malcolm Cameron. The U.C. gentlemen now in the Government had then very decided opinions on the subject, but he was delighted to-night to hear the announcement of the hon. Commissioner of Crown Lands, and to have an opportunity of congratulating the gallant Knight and his friends, on coming over to a right view of the question. (Hear, hear.) He thought, however, that the Hon. Member for Sherbrooke (Mr. Felton) would only do justice to the cause he desired to promote, if he would withdraw his Bill for the present, and allow the whole question to be discussed by the Select Committee on Temperance with a view to their laying a well matured measure before the House. Although he had voted last year for this same Bill, it was with the greatest reluctance that he and many other members had done so, on account of the many obvious absurdities contained in it, and only on the understanding that those absurdities should be removed, when the Bill went into Committee.⁸¹

MR. HINCKS. (Hear, hear.)⁸²

MR. BROWN thought that the hon. mover had presented a worthy measure in the very worst garb, and hoped that the hon. gentleman would withdraw the bill.⁸³ (Hear, hear.) He would reserve till a future stage, the remarks he had to offer in favour of a prohibitory liquor law.⁸⁴

MR. AT. GEN. J.A. MACDONALD would have the bill referred to the Temperance Committee.⁸⁵

MR. PRES. EX. COUN. MACNAB wished to explain the statement made by the Hon. Commissioner of Crown Lands.⁸⁶ Several bills had been introduced into the House upon this subject. A very large committee had been appointed, and a great many Petitions were presented to the House upon the subject of temperance, of which the honorable member for Lambton generally presented a great many. It was the intention of the government, and he hoped of the House, to allow this bill to be read pro forma, a second reading, and referred to the committee. The bill, at all events, would not do the members forming that committee any harm; it might do, on the other hand, some good. He (Sir A.) believed that there were not so many absurdities in the bill as the hon. member for Lambton thought.⁸⁷ He (Sir Allan) believed his hon. friend behind him (Mr. Felton) had paid a great deal of attention to the bill (laughter).⁸⁸

The burst of laughter that followed this statement, arose from the fact that the mover had just taken the bill as he found it introduced by Mr. Cameron last session.⁸⁹

MR. SOL. GEN. D. ROSS. The sense of this House was, that they now assented to a bill, the object of which is to suppress intemperance. There were clauses, however, in the bill which he (Mr. R.) thought were objectionable, but they contained only the means whereby the House could arrive at a conclusion, and altogether he did not anticipate that there would be any difficulty in arranging the bill properly.⁹⁰

MR. BROWN.--The principle of the Bill is expressed in its title and in every clause, namely, the prohibition of the manufacture and sale of intoxicating liquors.⁹¹

MR. LARWILL here rose amid a general shout of laughter. He considered that the government should be in the position to propound some future line of conduct, and be prepared to give their views upon the subject. This measure was one clearly connected with agricultural interests, and the growth of corn, rye and other articles which turned into whiskey, were matters that should properly come under the supervision of the Bureau of Agriculture⁹². Hops had been planted, some years would elaps[e] before that they become profitable, and it is well known that is (sic) the manufacture of spiritous liquors, much capital has ... invested,⁹³ and he felt confident that the gentleman who presided over that Bureau was not inclined to take barley gruel from the poor man if he liked to take it. He (Mr. L.) believed that the country looked to the gentleman at the head of the Bureau of Agriculture as a gentleman who could be the means of preventing the fanatical disposition which is abroad, and whatever the efforts of the hon. gentleman at the head of the Bureau might be to suppress drinking,⁹⁴ he Mr. L. in a few words would say, that [h]is constituents as an agricultural people would at least expect that the gallant knight would go in for short horns⁹⁵ (great laughter).⁹⁶

MR. DEWITT said that intemperance had caused a great deal of crime, and when hon. members saw a multitude of petitions put upon their table for the Legislature to prevent the use of the great enemy of our land, he thought that they could not hesitate to vote for the principle of this bill. He had not examined it, nor did he know its details, and did not wish to be bound by them altogether, but what he wished to prevent was, a man from murdering his wife, or with a dagger stabbing his neighbour. These were caused by the use of alcohol, and whenever he could lift his voice against such an enemy, he felt himself bound to do so, and any measure which the House could agree upon to extirpate this enemy and its concomitant evils, he would support. He could not and would not (vehemently) allow the blood of the murderer to rest upon his shoulders, and if he could prevent the man

from murdering his wife or his neighbour, he should upon all occasions clear his conscience by favoring any measure to annihilate such crime.⁹⁷

MR. S. SMITH of Northumberland supported the principle of the bill. He would support any bill that contained the principle of prohibition, if it contained a clause that the bill should be submitted to the municipal electors, for their approval before it goes into operation. It might be said that this was introducing a dangerous principle into the legislation of the country; but it was already introduced into the law which gave the municipalities the power to prohibit the sale of liquor by by-law, which must be submitted to the municipal electors for their approval, before going into operation. A bill with such a clause would receive his support.⁹⁸

MR. CAUCHON said the Hon. member for Lambton had stated that he was in favour of the principle but opposed to the details of the Bill. He (Mr. Cauchon) was opposed not only to the details but to the principle, if it were such as had been stated by that Hon. member. He was as much in favour of Temperance as any man, but he believed the effect of this measure would be to introduce what could be witnessed under the operation of the Maine Liquor Law in the United States, where people might be seen carrying Bibles under their arms which were nothing else than cases of brandy, gin, or some other Liquor⁹⁹ (laughter.) Instead of taverns selling liquor, Apothecaries would ever be dispensing liquor to applicants who would always be affecting sickness.¹⁰⁰ There would be a vast increase of affections of the bowels and similar diseases which required alcoholic liquor to be administered as medicines. (Laughter). It would merely change names, and not things.¹⁰¹ It would be better to adopt the plan carried out in Sweden, which is to disqualify a drunken man from--¹⁰²

MR. SOL. GEN. H. SMITH.--Hear, hear.¹⁰³

MR. CAUCHON.--From being a lawyer (laughter), a judge, or a magistrate.¹⁰⁴ A man found drunk in the streets was thereby disqualified from holding any office of trust. Let a stigma be put on the folly of the man who got drunk, and it would have a much better effect than changing names and calling a tavern-keeper an apothecary. In Boston, when the Maine Liquor Law was in operation, it was just as easy to get a glass of brandy as it was in Quebec.¹⁰⁵ In Boston, where the Maine Liquor Law exists, if people went to the Railway Station they could obtain brandy (cries of no, no.)¹⁰⁶ Public opinion had not advanced sufficiently far to allow such a law to be operative in this country, and what was the use of making laws which would prove inoperative?¹⁰⁷ Moral suasion was the best mode of getting rid of intemperance.--Instances of its effect had been seen in Canada. He would vote against the Bill.¹⁰⁸

MR. HINCKS.--I was exceedingly glad to hear the hon. member for Lambton admit this evening that the Bill against which I voted last year contained a great many obvious absurdities, and that the Bill now before the House contains those absurdities still. Now, I really do think that this House has a right to expect from hon. members who advocate this law, popularly known as the Maine Liquor Law, that they will bring down a Bill for our consideration that does not contain obvious absurdities.¹⁰⁹ He (Mr. H.) thought that the course proposed of allowing this Bill to pass a second reading, there being a Committee already appointed by whose means he hoped that we should get a desirable Bill passed, was a proper one. Though he (Mr. H.) was opposed to this Bill in substance, he thought that if a reasonable Bill was brought forward that he might vote for it; but he had not yet seen any one that he thought he could support.¹¹⁰ I consider

the most obvious absurdity connected with this matter as being the application to this country of a law applicable to a state of things entirely different.¹¹¹

MR. MACKENZIE.--How?¹¹²

MR. HINCKS.--The member for Haldimand discussed the matter with me before my constituents during the late election, and he then had an opportunity of hearing the objections I raised to the measure. I said then, as I say now, that the State of Maine is in a totally different position from this Province. The State of Maine has no control over the Importations. The Importations into the United States are regulated by the Federal Government. The Importations into this country are regulated by the Legislature of this Province. You have got therefore to deal with that question. I know how the hon. gentleman from North York and other hon. members would deal with that question. They would prohibit entirely the importation as well as the manufacture and sale of liquor. (Hear, hear.) That system I could understand perfectly, but that is not what is proposed in the Bill before the House.¹¹³ Now, he did not pretend to be a teetotaler, for he was always ready to take a glass of wine when he was asked; but he would tell an anecdote to illustrate the state of things in Maine. He happened to be stationed at one of these teetotaler's establishments where there was no liquor allowed, as it was said, to be used. He was called upon while there by two or three gentlemen belonging to Buffalo, and was invited by them to take a glass of wine; but he told them that he regretted it was impossible to get wine there. "Oh!" said they "there is no difficulty about it at all." It turned out that there was an apothecary's store next door, and there was a door opening into this hotel where he (Mr. H.) was staying, and he (Mr. H.) sent down and obtained a couple of bottles; but he must beg honorable gentlemen to understand, that they were not such bottles of wine as were recognized in Canada as such, but the bottles were put up in paper like medicine and labelled (laughter,) the wine though was tolerably good (hear, hear.)¹¹⁴ I believe that this law is intended to operate against the poor and not against the rich. Every one knows that even when the law exists, there is no impediment to the wealthier classes getting any liquor they choose. There is a very easy way of managing the matter. Almost every member of this House, for example, has a Medical attendant and for my part I would take very good care that I should not have a Medical attendant who did not consider that so much wine was necessary for the good of my health. If he did not prescribe what I considered necessary I would take very good care to get another who could recommend the use of as much as I thought good for my own constitution. (Hear, hear and laughter.) I have aled (sic) to the difference between our position and that of the State of Maine, and I wish to point out to the members of the Committee the difficulties I apprehended if they go the whole length of prohibitory importation, manufacture, and sale. I am perfectly convinced that, if you go that length, you will have a system of immorality in this country far beyond anything that we have now.¹¹⁵ He would refer them to the excise laws in England, Scotland, and Ireland--with all the power that the English Government could bring to bear, they had been as unable to stop the illicit distillation of spirits, and this gave rise to smuggling. Smuggling too would be created here, and those who carried it on would get into conflict with the officers of the law and murders would be the result. One such case had happened within the last two years in Brockville, where a man was shot in smuggling whiskey.¹¹⁶ Along such a frontier as we have, it is utterly impossible to think of preventing the Importation. You would have smuggling going on at every point of your frontier, and your Custom house officers trying to prevent this would

get into constant conflicts which would occasion violence, outrage, and murder, such a state of things as the well meaning advocates of this measure would exceedingly regret. I want hon. gentlemen to produce a Bill which they consider perfect, and when we see it we will be able to form an opinion upon it, but I do not think we should be called upon to vote for a Bill with obvious absurdities in it.¹¹⁷ He was not however disposed to oppose the second reading of this Bill.¹¹⁸

MR. DEWITT parle fortement en faveur de la loi. Quoiqu'on en dise de son opération dans les Etats-Unis, il est certain qu'elle a opéré la cessation du vice, de la misère et souvent du meurtre, et qu'elle a vidé les prisons.¹¹⁹ The jails in Buffalo were now empty, by the enforcement of Temperance laws, and the same in Connecticut,¹²⁰ [and] Maine¹²¹ where not half [t]he crime now existed, as formerly.¹²² (Hear, hear.)¹²³ Pour lui il ne veut pas que le sang innocent lui soit imputé par suite d'un vote donné contre une loi qui empêcherait bien des cruautés et des crimes.¹²⁴

MR. SANBORN en entendant parler M. Cauchon de la loi de la Suède qui prive les ivrognes du droit de remplir les postes honorables, s'est rappelé ce qu'on disait d'une proposition de faire de la connaissance de la lecture et de l'écriture une qualification pour l'office de commissaires d'écoles. On a dit alors qu'il ne fallait pas y consentir de crainte qu'on n'appliquât la même règle plus tard à la Chambre elle-même. La véritable entrave au progrès de la tempérance, c'est que les chefs de la société ne s'y prêtent point.¹²⁵ The position taken up by the hon. member for Renfrew, if assumed by others in a position of influence, would tend more than anything else to render the law inoperative, although passed. (Hear, hear.) He believed that no law could be operative unless sustained by a sufficient amount of public opinion in its favour. Without that public opinion on its side, it would be a dead letter and worse than useless. But if this law were enacted with a thorough desire to carry it out, and if hon. members and others occupying a high position in society, set their faces steadfastly against the traffic in intoxicating liquors, drinking would become disreputable and the law would be sustained. (Hear, hear.)¹²⁶ The effect of the law in Maine had been good, although liquor was clandestinely sold. He did not think that the measure should go before the municipalities for adoption. He was in favor of the bill.¹²⁷

MR. MACKENZIE was of opinion that moral suasion would go only a very short way in this case. That principle might as well be applied to gaming. When he was a young man, lotteries werenot prohibited by law in England, but it was found that moral suasion could not put a stop to that sort of gambling, and the Legislature had to step in and prohibit it.¹²⁸ The law with a slight modification was in force in New Brunswick, and why should it not be here? Eating too much did not produce evil results to a community by the action of the few, but drinking did. The State of New York carried the measure last year, but Governor Seymour had vetoed it, and therefore would not be re-elected.¹²⁹ And had not laws been passed by the British Parliament that no liquor should be sold to the Indians, and were not the Indians as fit to take care of themselves as a large portion of our own community? But the British Parliament properly interfered with natural rights in this case, and said it should be a crime to sell to the Indians what was sweeping them off by thousands. It was the natural right of the Pre-Adamites to go naked, but the laws interfered and said that they should put on clothes from a regard to the feelings and usages of society, and how many other natural rights were taken away on the same principle. When

the hon. member for Renfrew was up in Oxford electioneering, he had the champagne on his side of the question, but he (Mr. Mackenzie) got the windward of him on several occasions. One of those occasions was at a Temperance meeting where everything looked so pleasant with the ladies and the children and the tea and the temperance together. He was asked to go upon the platform but declined, and suggested that their member (Mr. Hincks) should be asked. Mr. Hincks could not very well refuse, and went up on the Temperance platform, and it was beautiful to see him in the midst of 19 Methodist ministers,¹³⁰ et cinq ministres baptistes¹³¹, and other Temperance orators. (Laughter.) But, instead of giving them a Temperance speech, the hon. member began to explain why they should not have the Maine Law! It was a rich sight to observe how horrified they all were, as the hon. member proceeded with his argument. (Laughter.) It did not seem, however, to go well down in Oxford. After he had concluded, he (Mr. Mackenzie) got a chance, and said--"Here you all are with your sashes, and your robes, all going for the Maine Law, while your member will not vote for it by hook or by crook." The hon. gentleman, however, got in, but with the understanding that he would go out again, and if the hon. gentleman who succeeded him (Mr. Cooke) continued to vote as he had done the last day or two, it would probably appear that Oxford had not made such a bad choice after all. (Loud cries of hear, hear, and order, order!) There were 75,000 of the population of Canada who had asked Parliament to suppress the traffic in intoxicating drinks, while this year there was not a single petition against it. Was not that a sufficient proof of the state of public opinion on the subject? (Hear, hear.) The hon. member for Renfrew had drawn a picture of the Revenue officers being murdered, while attempting to prevent the bringing in of whiskey, but the murders, if any, that would take place in that way, would be much fewer than those that were caused by drink. They could not look into a New York paper without seeing murder upon murder and drink the cause of it. How happy would society be, if there was no liquor in the country! He held that a regard to the welfare of the human race required the entire abolition of the traffic in intoxicating drinks.¹³² Perhaps it might be better to pass a law with a clause providing that if the people at the next General Election, let it take place when it might, should decide against the bill, it might then be repealed. In Maine, the people were wonderfully improved in every respect since the law was passed. He was glad to see Michigan, New York and other great States following Maine in the adoption of this law. He was satisfied that no greater reform could be effected than the prevention of the manufacture and sale of intoxicating drinks. He did not know what it was that the hon. member for Lambton found so very absurd in the bill; there was the principle, and it was that the House was now called on to confirm.¹³³ The hon. member for Renfrew said the law was intended against the poor man, and not against the rich. No! It was the poor who would gain by it, it was the poor who would be made rich by it, though the rich man might continue to import and to drink his expensive wines as much as he chose.¹³⁴

MR. POULIOT spoke in French¹³⁵. [Il] croit que le projet de loi est excellent, et bien propre à soulager la société, quoiqu'en dise le membre pour Renfrew. Quel est l'homme qu'on respecte dans la société? N'est-ce pas l'homme sobre? Ne doit-on pas lutter pour moraliser les hommes, mais comment peut-on le faire? En extirpant le vice. On dit que la loi est intolérante. Il n'a aucune crainte de l'intolérance quand il s'agit du bien-être de la société, qu'on ne peut promouvoir qu'en aidant l'exhortation religieuse par le pouvoir civil. Il est habitué à prendre un verre de vin, mais il a été le secrétaire d'une

société de tempérance, et il a eu l'occasion de voir les avantages de l'abstinence. Dans sa paroisse, on a essayé de supprimer l'ivrognerie par ces sociétés, et on a réussi jusqu'à un certain point; mais il est des gens qu'on ne peut persuader à laisser leur vice, quoiqu'il détruise leurs femmes et leurs enfans. C'est pour restreindre ces gens-là qu'on a besoin de ces lois prohibitives. Quant à ce qu'a dit l'ex-Inspecteur-général, il ne croit pas qu'on puisse facilement éluder une telle loi, et il pense que les médecins ne donneront de certificats qu'à ceux qui auront vraiment besoin de vin ou de liqueurs fortes pour les guérir.¹³⁶

MR. JACKSON did not know a more important question than the present that could come before the House this session. (Hear, hear.) He had no doubt that there would be very considerable difficulties to contend with, in carrying out a Prohibitory Law. So multifarious were the interests involved in the manufacture and sale of intoxicating drinks, that many would exert a powerful influence to defeat its practical operation. Still that did not affect the question of whether it was right to pass this law or not.¹³⁷ The evasion of the law in the United States was no argument against its adoption here. The hon. member for Montmorenci (Mr. Cauchon) said that it was impossible to carry out a law opposed to public opinion. He (Mr. J.) held that the very fact of this House passing such a law was proof that public opinion was in its favor. The hon. member for Renfrew had alluded to the insults which he conceived would flow from passing a law prohibiting liquor; but he (Mr. J.) did not believe that the prohibition of importation was within the province of the bill. The same hon. member had also told about the two small bottles of wine he had obtained in a State where the prohibitory law existed. The probability is that they were sold under the belief that they were to be used as medicine; there was therefore nothing in that argument.¹³⁸ The difficulties that had to be contended with were no argument against the measure, but rather told in its favor, for the longer the present system continued, the more powerful would those adverse interests become, and the difficulties in the way of suppressing the evil would be greatly enhanced.¹³⁹ He believed that hundreds and thousands of drunkards would thank the House for putting liquor out of their way.¹⁴⁰

MR. J. ROSS of Northumberland quite agreed with the hon. gentleman who spoke last that the desire for such a law as this was not confined to persons who belonged to temperance societies. He was in favor of the principle of the bill and of sending the bill to a committee, where it might be amended and improved.¹⁴¹ After the Legislature had done their duty in passing such a measure, it would devolve upon the people to do theirs, and to lend all the weight of their influence to making it practically operative.¹⁴²

MR. BIGGAR said that 20 years experience of the dreadful evils of intemperance had convinced him that a prohibitory liquor law was necessary.¹⁴³ [Il] raconte quelques malheurs qu'a causé l'usage des boissons fortes dans son voisinage. Un homme a tué sa femme et tous ses enfans. Un autre tomba du haut d'une voiture chargée de foin et se cassa le cou; un troisième faillit se noyer. Sur dix meurtres, neuf sont causés par l'ivrognerie.¹⁴⁴

MR. J. DORION, (Drummond,) ... [spoke] in French¹⁴⁵. Je viens me prononcer en faveur du bill qui nous est soumis. Je suis heureux de profiter de l'occasion de la présentation de cette loi pour me prononcer en sa faveur ou en faveur de toute loi qui ressemblera à celle de l'Etat du Maine, pour prohiber le commerce des boissons enivrantes, car je suis convaincu que c'est le seul moyen de

porter un remède efficace au mal que cause l'ivrognerie dans le pays.

Cette question en soulève plusieurs et on a pu le voir ce soir. Au nombre de ces questions est celle du revenu de la province qui serait affecté considérablement par un changement de ce genre. Mais qui ne sait pas que les neuf dixièmes des crimes commis sont causés par l'ivrognerie. Les dépenses encourues pour l'administration de la justice criminelle dans le pays sont considérables, énormes et pourraient être mises dans la balance avec beaucoup de raisons. Dans les comptes publics de 1853, je trouve, M. l'orateur, que les dépenses pour punir les crimes se sont élevées à au moins £75,000, si nous y comprenons les dépenses des différentes villes du Canada pour leur police et magistrats de police, pour punir les crimes causés par l'ivrognerie.

Voilà en partie de quoi réfuter l'objection du revenu public, mais nous n'avons pas seulement une question de louis et de chelins à examiner actuellement. Nous avons quelque chose de plus élevé à considérer, nous avons à considérer l'état moral de notre population; nous sommes appelés à législater de manière à assurer l'avancement moral, intellectuel et matériel du pays.

Plusieurs moyens ont déjà été adoptés pour arriver au but que l'on se propose par le projet actuel. On parle de persuasion morale, mais ce moyen a été mis en pratique ainsi que plusieurs lois imparfaites qui n'ont pas été productives de beaucoup de bien.

Les prédications sur la tempérance, dans le Bas-Canada au moins, ont produit un grand bien, mais si vous consultez les trois quarts des marchands de campagne, vous apprendrez que beaucoup de ceux d'entr'eux qui avaient cessé de vendre des liqueurs, sont obligés de reprendre des licences pour soutenir la compétition de leurs concurrens, et l'ivrognerie menace de reprendre le terrain qu'elle avait perdue (*sic*) ces années dernières.

Là où une loi de ce genre a été adoptée, elle a bien fonctionné (*sic*) et produit beaucoup de bien; et concevant qu'il n'y a pas d'autre moyen d'atteindre un but aussi désirable que celui que nous avons en vue, je voterai pour le principe du bill, me réservant le droit de ne pas accepter tous ses détails. Il n'y a que la prohibition qui pourra guérir ce mal, vider nos prisons, rendre le peuple meilleur et sauver au pays des richesses énormes.¹⁴⁶

MR. DURFRESNE, in French,¹⁴⁷ s'abstiendrait de la discussion, s'il ne voulait pas établir sa position sur cette question devant la Chambre et devant ses commettants. Il prétend que l'opinion du Bas-Canada est déjà bien prononcée en faveur de la tempérance. Si on n'avait pas souvent passé des lois prohibitives, peut-être il n'aurait pas voté pour celle-ci, parce qu'il aurait cru qu'elle aurait pu être coercitive, mais quand on a déjà obligé les gens à travailler sur les chemins, à remettre leurs propriétés entre les mains des compagnies de chemins de fer, souvent sans une indemnité suffisante, et quand on leur a défendu de signer des billets qui ressemblent un peu aux billets de banques, il ne croit pas qu'on aille plus loin en prohibant la vente des liqueurs fortes.

Il dit franchement qu'il favorise une loi prohibitive--une loi sévère, mais non pas si sévère qu'elle soit impraticable par suite de sa rigueur. Le membre pour Renfrew a dit que la Chambre va faire une loi qu'on transgressera sans doute. On transgresse toutes les lois, mais ce n'est pas pour cela que les gouvernements ne doivent pas en faire. Ils doivent faire de bonnes lois et punir ceux qui les transgressent. Quant à l'intérêt de l'agriculture dont a parlé le membre pour Kent, il (M.D.) est d'opinion que ces intérêts seront promus bien davantage par l'emploi des grains à d'autres usages, qu'ils ne le sont par la conversion de grains en whiskey. L'agriculteur peut bien vendre ses grains sur les marchés de l'Angleterre, ou ceux des Etats-Unis.¹⁴⁸

MR. FERRIE said he would vote against this Bill, or any other, embodying the principle of the Maine Liquor Law.¹⁴⁹ He knew that his constituents were against it.¹⁵⁰ He did not think the use of wines and other liquors in moderation, was a crime to be put down by law. The matter had not been sufficiently long before the country to warrant legislation as yet. When it had been agitated as long as the Clergy Reserve question, or the Seignorial Tenure, it would be time enough then for the Legislature to deal with the question. He considered, too, that the Bible should be their guide in this as in many other matters; and so far as he could understand the Bible, he believed it allowed the use of such things in moderation.¹⁵¹

MR. FREEMAN believed it was lawful to legislate on any subject which affected the well-being of society; and when it was conceded on all hands that the evils of intemperance were very great, that it was a fruitful source of poverty, disturbance of the peace, and murder, it seemed to him that a fair subject was presented for legislation. He thought the friends of a Prohibitory Liquor Law might congratulate themselves on the position the question had assumed in the debate of this evening. Every gentleman who had spoken against the measure had admitted the evils of intemperance, and had been forced to take refuge in the paltry argument of "legislate as you will, you cannot prevent it." That was the whole substance of their arguments. He was satisfied that there was no subject upon which the country looked for the action of the Legislature more than upon this one, and he trusted that their anticipations would not be disappointed.¹⁵²

MR. BELLINGHAM argued that this bill would only affect the poorer classes, and that there would not be quite so much readiness to pass it if it would take away the wine of the rich.¹⁵³ He did not think the working class should be deprived of beverages, which were necessary as stimulants to enable them to stand the labor to which they were exposed.¹⁵⁴ He would prefer to enact a stringent law against the drunkard himself, and have him as it were interdicted, than to pass this bill.¹⁵⁵

MR. CAMERON said it was a very singular thing that it should appear to be forgotten by a large portion of the members of this House that the powers sought by this Bill were powers which already existed to a very large extent in Upper Canada. There had been for nearly two years on our Statute Book an enactment giving the Township Councils power to restrain the liquor traffic in their own localities, but not a dozen had carried it into effect. The reason assigned for this was that the action of one township in passing the necessary by-law, would be neutralized by the next township not doing so. This, he conceived, was a strong argument against the law being passed, as shewing that public opinion was not yet sufficiently rife for it. He thought the first step in a matter of this kind should be to try what would be the effect of punishment on the drunkard himself. If that failed, they would be in a better position to try the further step of entirely prohibiting the importation, manufacture and sale of intoxicating liquors; but it was certainly too far to go at once, to say that the man who moderately enjoyed what had been placed before him for his enjoyment, and which Scripture authorized him to enjoy, should be placed in the same position and dealt with in the same way as the man who, by criminal indulgence, made himself an unfit member of society.¹⁵⁶ This measure did not propose to prohibit importation; it did not prevent a gentleman having as much wine in his cellar as he liked; it did not prevent his having it on his table; it merely prevented the manufacture and sale of it in taverns, and thereby it struck only

at one class.¹⁵⁷ A great deal had been said about the effect of these laws in the United States, but nothing had been said with regard to the immense increase of opium-eating in the United States. If one stimulant was removed, another and a more dangerous one would be introduced, which would tend ten times more to demoralization of society, and the utter destruction of mind and body. He did not maintain that the Legislature had not a right to pass the measure, but it was a right of the same sort as they would have to pass a law regulating what style of hat he should adopt, or what sort of coat he should wear. It would be exercising their right of legislation under circumstances that he did not think justifiable in this country. He thought the fact that so very few townships had carried out the law previously enacted, was a sufficient index of the state of public opinion in the matter. If the people were unwilling to work a law of a less extent, they would be still more unwilling to work a law of a greater extent.¹⁵⁸

MR. POWELL was not much in favor of the bill so far as he was personally concerned, but he had seen so much evil result from drinking that he would vote for the bill. Perhaps if a provision were added exempting the members of this House for the operation of the bill, it would meet with more favor.¹⁵⁹

MR. RANKIN said that, although so far as his personal feelings were concerned, he did not regard the measure with a very favourable eye; still he had seen so many evils arising from the use of intoxicating liquors, that he should feel it his duty to record his vote in its favour. He was sorry to see the hon. member for Renfrew and other hon. members so strongly opposing it. Perhaps that opposition would be diminished, if a saving clause were introduced, providing that the law should not go into force as regarded the members of this House. (Hear, hear, and laughter.)¹⁶⁰

MR. O'FARRELL would oppose the bill at all its stages. He contended that it was ridiculous to say that the moderate use of strong drinks was a sin. Prohibitory laws were worse than useless, they always caused greater evils than they pretended to cure.¹⁶¹ The disuse of liquor in the United States led to the use of the far worse substitute of opium.¹⁶²

DR. MASSON [spoke] in French¹⁶³. [Il] votera contre le bill parce que s'il devenait loi, il serait impossible de célébrer le sacrement dans l'église du membre pour Chateauguay, ou l'eucharistie dans celle à laquelle il appartient.¹⁶⁴ The obviously proper course was to take steps against the drunkard himself. Let him not have the power to contract debts; let him not vote at elections; let his wife have control over his property, and by that means you may produce an effect; but where was the sense or reason of punishing a whole parish for the sake of two or three drunken men.¹⁶⁵ Il préférera de beaucoup donner son appui au bill de l'hon. membre pour Montréal (Mr. Dorion). Il avait lu le projet d'une mesure qui devait être introduit dans la chambre et qui satisferait certainement aux désirs, et aux demandes du pays.¹⁶⁶

DR. MASSON ... seconded by MR. O'FARRELL, moved that it [the Bill] be read a second time this day six months.¹⁶⁷

MR. COM. CR. LANDS MORIN held that the best mode of proceeding would be to make the license law more strict and not permit so great a number of taverns.¹⁶⁸

MR. LABERGE croit que tout homme de coeur doit être en faveur de la tempérance, mais quant aux lois prohibitives, il s'est depuis longtemps convaincu de ne pas les encourager. Il confirme ce qu'a dit le membre pour Renfrew par rapport à l'évasion de ces lois dans les Etats-Unis, car en passant par l'Etat du

Maine il vit que la loi y était exécutée d'une manière à laquelle les personnes les plus hostiles à ces prohibitions ne peuvent objecter.

La question a deux branches, premièrement, s'il est raisonnable de passer de telles lois; et ensuite, si on trouvait des raisons suffisantes pour empêcher l'usage modéré d'une chose dont on s'est servi presque depuis le commencement du monde, jusqu'à quel point ces lois prohibitives peuvent réussir pour la fin voulue. Cette dernière question se décide par l'expérience. Tout homme de coeur veut faire cesser les maux causés par l'intempérance, mais c'est une chose tout à fait différente que de passer des lois qui auront peut-être un effet contraire à celui qu'on désire.¹⁶⁹

[MR. CHAPPAIS]: Son expérience personnelle le convainc que le pays attend impatiemment une loi définitive sur la tempérance. Il compte sur l'adoption par la chambre du projet de loi maintenant devant elle. Si une mesure identique a été perdue dans la dernière session, dit-il, elle l'a été par une majorité de quatre voix seulement; mais il ne doute pas qu'une majorité considérable ne l'appuie enfin ce soir. L'on a prétendu, continue-t-il, que cette loi porterait atteinte à la liberté du sujet, comme on a dit qu'elle affecterait le revenu des douanes et qu'elle serait inexécutable. Lorsque le parlement impérial décrétait l'abolition de l'esclavage dans ses colonies, faisait-il autre chose que s'attaquer à cette liberté du sujet dont on veut parler ici? Lorsque, dans un temps de peste ou d'épidémie on impose des quarantaines et qu'on établit des cordons sanitaires, fait-on autre chose que restreindre cette même liberté? Cependant, qui oserait dénier à l'autorité publique, je ne dirai pas ce droit, mais ce devoir de réglementer ainsi pour le plus grand bien du plus grand nombre? La législature, dans le cas où nous sommes, est obligée par devoir de statuer, comme l'est l'autorité exécutive dans ceux que je viens de citer. L'ivrognerie n'est-elle pas une lèpre des sociétés modernes, une contagion qui parcourt le globe pour le malheur du genre humain? Combien d'existences précieuses ou brillantes n'a-t-elle pas moissonnées cruellement à leur début? Combien de nobles intelligences, d'abord obscurcies par elle, ne se sont-elles pas éteintes sans retour sous son influence délétère? De combien de ruines physiques, morales et intellectuelles, n'est-elle pas cause? Enfin, l'ivrogne serait-il moins avili, moins à plaindre que ne l'était le nègre de la Jamaïque, ou ne l'est-il pas même infiniment plus?

L'hon. représentant de Lotbinière a dit que "manger est chose permise et bonne, et trop manger gloutonnerie." Cette distinction est vraie, mais elle ne prouve rien. Si la gloutonnerie était aussi fréquente et que les résultats en fussent aussi déplorables que ceux de l'intempérance dans le boire, (ce qui est loin d'être vrai) cela ne prouverait pas encore contre la nécessité de manger, qui en justifie l'action en principe. Cette nécessité de manger est évidente, mais quand, dans le cours ordinaire des choses, y eût-il jamais nécessité de boire des alcools? L'abstention de ces breuvages est même un bien, puisqu'elle tourne à l'avantage de ceux qui la pratiquent. Or, cette inutilité de l'usage des alcools est une condamnation suffisante de cet usage. Mais, s'il n'y a pas nécessité dans cet usage, pourquoi le tolérer, pourquoi surtout le défendre lorsque, dans la pluralité des cas, il enfante avec l'ivrognerie les maux et les vices qui lui font habituellement cortège?

L'hon. député d'Iberville (M. Laberge) a employé l'argument le plus spécieux dont se servent ordinairement les adversaires d'une telle mesure: "on ne peut, a-t-il dit, priver la société d'une chose bonne en soi, lui ravir les dons faits par la providence à l'homme, sous le prétexte que quelques-uns en abusent." Mais la société a le droit de se protéger elle-même; elle a le droit d'interrompre, pour le salut général, la jouissance de ces dons, quand la somme de bien

est moindre que celle des maux qui en découlent par un abus funeste. Or, l'expérience journalière prouve ce fait que l'usage des boissons alcooliques produit des maux sans nombre et sans compensation. L'hon. membre a dit aussi que ce serait imposer un sacrifice à l'homme sobre que de punir par cette loi l'intempérance de l'ivrogne. En ce cas, ce serait plutôt une aumône que la morale et la religion exigent du riche à l'avantage du pauvre, la protection du fort envers le faible, le secours de l'âge viril donné à l'enfance. Quoi! on admire l'héroïsme de celui qui se précipite dans les eaux ou dans les flammes pour arracher un de ses semblables que souvent il ne connaît pas, et l'on se refuserait au sacrifice, non de soi-même, mais d'une superfluité, d'une fantaisie, d'un caprice vouant sous nos yeux des milliers de créatures humaines à une perte certaine et lamentable! Cette disposition serait-elle généreuse de notre part? Ne serait-elle pas plutôt peu généreuse et peu chrétienne?

En quel temps demande-t-on l'adoption d'une loi qui retranche l'abus des spiritueux? Dans un temps où les denrées sont d'un prix élevé qui tend à les rendre presque inaccessibles au pauvre; dans un temps où la fleur coûte 9 piastres, le blé 8 schellings, l'orge 5 schellings. On doit donc comprendre qu'il est cruel de distiller les poisons alcooliques, puisqu'ils diminuent des substances précieuses en ruinant le pauvre.

On représente que les requêtes maintenant soumises à cette chambre portent des signatures de femmes, d'enfants. Certes, c'est bien là l'argument le plus fort et le plus éloquent en faveur de l'abolition des spiritueux. Si les femmes et les enfants en sont réduits à venir implorer la législature pour mettre fin aux résultats de l'habitude des spiritueux, quelle meilleure preuve aurions-nous de la nature pernicieuse, intolérable de ces résultats? Sur quoi s'appesantissent les désastres de l'intempérance si ce n'est avant tout sur la femme et sur les autres membres de la famille? Il s'agit donc ici de rendre aux êtres faibles et malheureux le bonheur dont les prive[nt] si cruellement ceux qui leur doivent ce bonheur; de rappeler à leur dignité perdue ceux qui ne se souviennent plus qu'il y a pour l'homme une dignité qu'il ne doit pas perdre. Législateurs, il nous faut nous mettre à la hauteur des motifs et des circonstances qui réclament une intervention de notre part. Dotons notre pays d'une loi efficace, et non d'une loi équivoque et insuffisante; accordons à de malheureux esclaves blancs cette émancipation que notre métropole a procurée à ses noirs!

M. Chapais ne répond pas à l'argument de ceux qui parlent des intérêts du fisc quand il est question d'abolir le trafic des spiritueux. En supposant qu'une loi dans ce sens affectât le revenu, ce qui n'aurait pas lieu, pourrait-on hésiter un moment devant une pareille considération à la vue du bien moral immense qu'elle doit effectuer? D'ailleurs, il est reconnu que le commerce vient à doubler là où cessent d'intempérance et le commerce de l'alcool.

Le bill en ce moment en discussion n'est pas celui auquel s'attache particulièrement M. Chapais: ce qu'il veut, c'est une loi effective qui arrête le fléau de l'intempérance dans sa marche désorganisatrice. De fait, une loi de ce genre est exécutée par anticipation dans son comté où les marchands de plusieurs endroits se sont authentiquement liés à ne plus vendre de liqueurs fortes; détermination qui a eu déjà des effets admirables. La paix, l'ordre, l'aisance et l'union sont revenus dans les lieux d'où l'intempérance les avait exilés depuis longtemps. La mère a cessé d'être malheureuse; les enfants ont retrouvé des habits; des écoles ont remplacé les auberges, et l'abondance enfin a chassé la misère. Cependant, faut-il le dire? cet état social heureux est menacé de disparaître; l'habitude des liqueurs enivrantes reparaît, et les amis du bien ont raison de s'en alarmer; ils ont raison de dire qu'ils travaillent dans

l'isolement et qu'un appui leur manque. C'est pourquoi, le clergé à leur tête, ils sollicitent et attendent de nous cet appui que nous leurs devons.

Législateurs, faisons un essai. Que la loi nouvelle soit impérieuse et inflexible. Si elle fléchit dans l'application, nous essaierons d'une autre; mais fessons quelque chose et ayons un début. Le pays a les yeux sur nous; il s'attend à nous voir à l'oeuvre. Si notre action est efficace, nous serons assurés de la gratitude des populations présentes et des populations à venir; si elle ne l'est pas, il nous restera du moins la satisfaction d'avoir essayé.

Au point de vue pratique, la loi proposée ne serait pas calculée de façon à atteindre le but. C'est là l'objection politique alléguée par M. Hincks et qu'appuie l'hon. M. Chauveau. Cependant, la loi renferme un autre principe, celui de la tempérance; il approuve ce principe et il votera pour la seconde lecture.¹⁷⁰

MR. LANGTON agreed with the hon. member for Renfrew that, circumstanced as we are in this country, it was ridiculous merely to take a copy of the laws of the State of Maine, where the circumstances were quite different. In Canada, there was the power which the State of Maine had not, of prohibiting importation, and if we are to have a Temperance Law which should have any effect, that should not be left out which was of chief importance. (Hear, hear.) But he disagreed with that hon. member to a certain extent. He had seen so much of the evils of intemperance in this country, that if it were possible to carry out a measure which would really suppress it, he would willingly sacrifice his own feelings and tastes in order to see it in operation. But the difficulty with him was, whether it was possible to pass any law that really would be effective. He was not very sanguine as to the success of anything of the kind. The experience of all nations was against the success of such laws, and he never would assent to any law which he thought could not be carried out. They should be perfectly certain, in the first place, that public opinion went thoroughly with them, but public opinion, he was afraid, was not in such a state as would enforce a prohibitory law of this nature. Few in this matter would like to bear the character of a sneak or an informer, which would be attached to those who really attempted to carry the law into operation. He approved therefore of the suggestion of the hon. member for Northumberland, that they should first pass as complete a measure as they could, and then add a clause, providing that it should not go into operation till sanctioned by a direct vote of the people at the next municipal elections.¹⁷¹

MR. SOL. GEN. H. SMITH would vote for this bill for the same reason as induced him to vote for a similar one last session. A bill that was asked for by fifty or sixty thousand petitioners was worthy of being seriously considered by that House; and when he looked all over the country and saw the evils of intemperance he was convinced that some legislation was necessary. He had recently read in an English paper a report of a lecture of Mr. Gough, who stated that out of every 500,000 men in the United States who signed the temperance pledge 450,000 relapsed. That was a singular fact and proof that something more was necessary.¹⁷² It was a question well worthy of consideration whether the persons who had been carrying on distilling and similar occupations, under the authority of the laws, could not be entitled to compensation, if you now make a change that will ruin them. As to those who were fond of a social glass, he could not, for himself, say what sacrifice he would be disposed to make; but when he looked around him and saw the evils of intemperance, he was satisfied that some legislation, was necessary.¹⁷³

MR. MARCHILDON spoke in favor of the bill.¹⁷⁴

MR. HARTMAN, in reply to the remarks of the hon. member for Toronto (Mr. Cameron), explained why the law giving prohibitory powers to the township councils had been so little acted on. The failure of that law, he considered, was a strong argument in favour of passing the present measure. It had been found that, although the townships in a county adopted it, with one exception, that one exception was sufficient to render nugatory the action of all the rest. Groggeries would spring up immediately, all round the line bordering on the other townships, making their bye-laws of as little use as if they had not been passed. That was the sole reason of the failure of the law, and not the circumstance that public opinion was not in its favour.¹⁷⁵

MR. MERRITT, having had the honour of presenting a petition in favour of a Prohibitory Law, with 5,000 signatures attached to it, considered himself entitled to express an opinion in favour of the measure. (Hear, hear.) The hon. member for Renfrew had said there was a difference between this colony and the State of Maine. He (Mr. Merritt) thought the advantage was all on our side as we had the control of our own revenues, and the advocates of the measure ought at once to take the only consistent course, and insist on preventing entirely the importation of all spirituous liquors. (Hear, hear.)¹⁷⁶

MR. POST. GEN. SPENCE, supported the Bill. He said if there was one question more than another on which the people of Canada had made up their minds, it was on the question of a Prohibitory Liquor Law. If the House rejected the measure, it would be made a test question at the next election, and he doubted much if any member could be returned then for Western Canada, unless he were in favour of a Prohibitory Liquor Law.¹⁷⁷

MR. LABELLE, prononça un discours favorable au projet de loi et dont voici la substance:

Je n'ai pas l'intention de donner mon vote sur cette question, sans faire connaître à cette chambre les raisons qui m'invitent à le donner en faveur d'un bill qui a pour but l'abolition du commerce des liqueurs enivrantes. Outre les motifs qui recommandent cette mesure à l'attention de la chambre, il en est un, M. l'orateur, que je ne puis oublier: c'est que, d'après ce que j'en puis connaître, le majorité des habitants du district de Montréal est favorable à l'adoption d'une loi de la teneur de celle dont le projet nous est maintenant soumis. Comme membre du conseil de la cité de Montréal, j'ai eu l'occasion de voir des requêtes signées de nombreux habitants de la ville et même des campagnes, sollicitant le conseil de vouloir bien s'adresser pour eux à la législature afin d'obtenir une loi d'abolition du trafic des boissons fortes, cause de tant de larmes, de malheurs et de ruines, pour les sociétés comme pour les individus. Bien plus, M. l'orateur, le comté que j'ai l'honneur de représenter dans cette chambre sollicite impérieusement de moi ce vote; et si je parle du comté que je représente, c'est que lui-même est un exemple de tempérance parfaite pour les autres comtés du district, où il est situé. J'en puis donner pour preuve ce fait que dans tout le comté de Laval il n'y a qu'une seule auberge. Cet état de choses dans le comté de Laval est dû principalement aux efforts de l'homme vénérable qui fut ci-devant la curé de St.-Vincent de Paul et au digne successeur qui le remplace aujourd'hui, tous deux hommes de sacrifices et d'ailleurs bien secondés des principaux notables de la place.

Nous avons entendu l'honorable membre pour Argenteuil dire que les boissons spiritueuses sont nécessaires aux travailleurs; je puis dire au contraire qu'ayant moi-même employé et dirigé un grand nombre de travailleurs, l'expérience

m'a démontré que la plus grande somme de travail est obtenue de ceux qui s'abstiennent des liqueurs fortes, et que ceux qui en font usage fournissent moins de travail que les autres.¹⁷⁸

MR. MONGENAIIS ... [parla] aussi en faveur du principe de la tempérance en général, et ... [vota] pour la seconde lecture du bill.¹⁷⁹

MR. MCKERLIE was glad to hear the hon. Postmaster General make that statement, shewing that if any of his colleagues voted against the measure, he should not in his opinion, and would not, be returned again to this House by any constituency in Western Canada.¹⁸⁰

MR. COM. CR. LANDS MORIN et MR. PROV. SEC. CHAUVÉAU [firent] ... quelques remarques¹⁸¹.

DR. MASSON, seeing the strong feeling in the House on the subject, said he would withdraw his amendment. (No! no!)¹⁸²

MR. HINCKS said it was useless to attempt to force a division, by preventing the hon. member from withdrawing his amendment. If it were put against his will, the whole House would vote for the Bill.¹⁸³

MR. MACKENZIE and another member called for it [a division].¹⁸⁴

MR. DEWITT and DR. FRAZER joined ... [Mr. Mackenzie] in the demand [for a division]¹⁸⁵.

(242)

Mr. Felton moved, seconded by Mr. Sanborn, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Biggar, Bourassa, Brodeur, Brown, Bureau, Burton, Cayley, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Cook, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Felton, Ferres, Flint, Foley, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gamble, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Huot, Jackson, Jobin, Labelle, Taberge, Langton, Laporte, LeBoutillier, Lumsden, Macbeth, McCann, Attorney General Macdonald, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Masson, Matheson, Mattice, Meagher, Merritt, Mongenais, Morin, Angus Morrison, Munro, Papin, Patrick, Poulin, Pouliot, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Wright, and Yeilding.--(97.)

NAYS.

*Messieurs Casault, Ferrie, Lyon, O'Farrell, and Powell.--(5.)*¹⁸⁶

(243)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Select Committee on Temperance.

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Morin,

The House adjourned.

FOOTNOTES: 26 OCTOBER 1854.

1. GLOBE, 6 November 1854.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. MORNING CHRONICLE, 30 October 1854.
8. GLOBE, 6 November 1854.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. LE PAYS, 31 October 1854.
14. TORONTO LEADER, 3 November 1854.
15. GLOBE, 6 November 1854.
16. TORONTO LEADER, 3 November 1854.
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20. TORONTO LEADER, 3 November 1854.
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22. LE PAYS, 31 October 1854.
23. GLOBE, 6 November 1854.
24. TORONTO LEADER, 3 November 1854.
25. GLOBE, 6 November 1854.
26. TORONTO LEADER, 3 November 1854.
27. IBID.
28. IBID.
29. GLOBE, 6 November 1854.
30. IBID.
31. IBID.
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34. IBID.
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36. TORONTO LEADER, 3 November 1854.
37. GLOBE, 6 November 1854.
38. TORONTO LEADER, 3 November 1854.
39. IBID.
40. GLOBE, 6 November 1854.
41. TORONTO LEADER, 3 November 1854.
42. GLOBE, 6 November 1854.
43. TORONTO LEADER, 3 November 1854.
44. IBID.
45. GLOBE, 6 November 1854.
46. TORONTO LEADER, 3 November 1854.
47. IBID.
48. GLOBE, 6 November 1854.
49. IBID.
50. IBID.
51. IBID.

52. MORNING CHRONICLE, 30 October 1854.
53. LE PAYS, 31 October 1854.
54. MORNING CHRONICLE, 30 October 1854.
55. TORONTO LEADER, 3 November 1854.
56. MORNING CHRONICLE, 30 October 1854.
57. GLOBE, 7 November 1854.
58. MORNING CHRONICLE, 30 October 1854.
59. GLOBE, 7 November 1854.
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61. LE PAYS, 31 October 1854.
62. MORNING CHRONICLE, 30 October 1854.
63. IBID.
64. GLOBE, 7 November 1854.
65. MORNING CHRONICLE, 30 October 1854.
66. IBID.
67. LE PAYS, 31 October 1854.
68. GLOBE, 7 November 1854.
69. MORNING CHRONICLE, 30 October 1854.
70. GLOBE, 7 November 1854.
71. IBID.
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73. MORNING CHRONICLE, 30 October 1854.
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81. GLOBE, 7 November 1854.
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83. IBID.
84. GLOBE, 7 November 1854.
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87. MORNING CHRONICLE, 30 October 1854.
88. TORONTO LEADER, 3 November 1854.
89. IBID.
90. MORNING CHRONICLE, 30 October 1854.
91. GLOBE, 7 November 1854.
92. MORNING CHRONICLE, 30 October 1854.
93. WESTERN PLANET, 8 November 1854. The ellipsis represents an illegible word.
94. MORNING CHRONICLE, 30 October 1854.
95. WESTERN PLANET, 8 November 1854.
96. MORNING CHRONICLE, 30 October 1854.
97. IBID.
98. TORONTO LEADER, 3 November 1854.
99. GLOBE, 7 November 1854.
100. MORNING CHRONICLE, 30 October 1854.
101. GLOBE, 7 November 1854.
102. MORNING CHRONICLE, 30 October 1854.
103. IBID.
104. IBID.

105. GLOBE, 7 November 1854.
106. MORNING CHRONICLE, 30 October 1854.
107. GLOBE, 7 November 1854.
108. MORNING CHRONICLE, 30 October 1854.
109. GLOBE, 7 November 1854.
110. MORNING CHRONICLE, 30 October 1854.
111. GLOBE, 7 November 1854.
112. IBID.
113. IBID.
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123. GLOBE, 7 November 1854.
124. LE PAYS, 31 October 1854.
125. IBID.
126. GLOBE, 7 November 1854.
127. MORNING CHRONICLE, 30 October 1854.
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129. MORNING CHRONICLE, 30 October 1854.
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131. LE PAYS, 31 October 1854.
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133. TORONTO LEADER, 3 November 1854.
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135. MORNING CHRONICLE, 30 October 1854.
136. LE PAYS, 31 October 1854.
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138. TORONTO LEADER, 3 November 1854.
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140. TORONTO LEADER, 3 November 1854.
141. IBID.
142. GLOBE, 7 November 1854.
143. MORNING CHRONICLE, 30 October 1854.
144. LE PAYS, 31 October 1854.
145. GLOBE, 7 November 1854.
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148. LE PAYS, 31 October 1854.
149. GLOBE, 7 November 1854.
150. MORNING CHRONICLE, 30 October 1854.
151. GLOBE, 7 November 1854.
152. IBID.
153. MORNING CHRONICLE, 30 October 1854.
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155. MORNING CHRONICLE, 30 October 1854.
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157. TORONTO LEADER, 3 November 1854.

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161. MORNING CHRONICLE, 30 October 1854.
162. TORONTO LEADER, 3 November 1854.
163. IBID.
164. LE PAYS, 31 October 1854.
165. MORNING CHRONICLE, 30 October 1854.
166. LA MINERVE, 31 October 1854.
167. GLOBE, 7 November 1854.
168. MORNING CHRONICLE, 30 October 1854.
169. LE PAYS, 31 October 1854.
170. LA MINERVE, 9 November 1854.
171. GLOBE, 7 November 1854.
172. MORNING CHRONICLE, 30 October 1854.
173. TORONTO LEADER, 3 November 1854.
174. MORNING CHRONICLE, 30 October 1854.
175. GLOBE, 7 November 1854. MACKENZIE'S WEEKLY MESSAGE, 3 November 1854, notes: "Mr. Hartman began to speak, 10 minutes after 11."
176. GLOBE, 7 November 1854.
177. GLOBE, 7 November 1854. MACKENZIE'S WEEKLY MESSAGE, 3 November 1854, notes: "Mr. Spence, the new postmaster-general, delivered his maiden speech as minister, just before midnight."
178. LA MINERVE, 31 October 1854.
179. IBID.
180. GLOBE, 7 November 1854. MORNING CHRONICLE, 30 October 1854, notes: "Some further discussion took place but only consisted of repetition of previous argument. The House got tired of it towards midnight, and put Mr. McKerlie down, making loud noises."
181. LA MINERVE, 31 October 1854.
182. GLOBE, 7 November 1854.
183. IBID.
184. MORNING CHRONICLE, 30 October 1854. Mr. Mackenzie in MACKENZIE'S WEEKLY MESSAGE, 3 November 1854, notes that he "called for the yeas and nays exactly at midnight."
185. MACKENZIE'S WEEKLY MESSAGE, 3 November 1854.
186. In a letter dated 27 October, Mr. Mackenzie, in MACKENZIE'S WEEKLY MESSAGE, 10 November 1854, explains a discrepancy between the vote reported in the JOURNALS and that reported by several newspapers. He states: "In my letter of yesterday I stated that 95 members adopted the principle of the Maine Law Bill, in its fullest extent--that, to prevent mistakes, I had called for the yeas and nays--and that the details of the measure are left to the Temperance Committee.
 "A question arises here, where were the 29 members (besides Mr. Speaker), who did not vote?
 "Messrs. Bellingham, Ferguson, Drummond, Blanchet, Dr. Fortier, and Morrison of Niagara (Joseph C.) were in town yesterday. I cannot say whether they were present at the debate--probably not.
 "Messrs. Bowes of Toronto, Chabot, Crawford, Crysler, Macnab, Lemieux, and Loranger, were in the House, but chose to be absent, or were absent when the vote was taken. Sir Allan made a few remarks on the bill, the purport of which I did not hear.

"Mr. J.H. Cameron of Toronto, spoke strongly against the bill, both in its principle and details, and so did Mr. Etienne Cartier, but both gentlemen were invisible when the yeas and nays were recorded, as was Mr. Cauchon, and Mr. Larwill--the latter spoke against the principle.

"Messrs. Smith [of] Victoria, Egan, Rolph, Young, Wilson of London, Murney, were not in Quebec.

"Mr. McCann, M.P. for Prescott, voted for the bill, but his name was omitted last night. The House rectified the mistake this morning. The yeas are therefore 96, the nays 5.

"Mr. Niles, friendly to the bill, was very sick.

"P.S.--I find there is another error. Mr. Terrill voted for the bill, and the minutes are thus corrected--so the vote is 97 to 5."

FRIDAY, 27 OCTOBER 1854.

(243)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Dostaler,--The Petition of J.E. Chalut and others, of the Parish of St. Gabriel de Brandon, County of Berthier.

By Mr. James Ross,--The Petition of J.M. Grover and others, of the Village of Colborne and vicinity; and the Petition of Gilbert Weller and others, of the Township of Cramahe.

By Mr. Matheson,--The Petition of Robert Cameron and others, of the Township of East Nissouri, County of Oxford.

By Mr. Darche,--The Petition of John Hackett and others, School Commissioners of the Municipality of Chambly.

By Mr. Whitney,--The Petition of the Reverend Richard Mills and others, of Cowansville and vicinity, County of Missisquoi.

By Mr. Antoine Aimé Dorion,--The Petition of Ferdinand Perrin, of the City of Montreal, merchant.

By Mr. Alleyn,--The Petition of the Council of the Quebec Board of Trade; and the Petition of the Honorable E.P. Taché, Chairman of the Committee appointed for collecting subscriptions for the purpose of erecting Monuments in the Canadas on different Battle grounds of the last War with the United States.

By Mr. Gamble,--The Petition of the Municipal Council of the United Counties of York, Ontario, and Peel.

By Mr. Ferres,--The Petition of William Wright and others, of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of A.F. Holmes, M.D., and others, Physicians, practising in the City of Montreal; praying that the Bill to amend the Act incorporating the Montreal School of Medicine and Surgery may not pass into Law.

Of G.V.N. Relyea and others, of the County of Hastings; and of Charles Burrows and others, of the Village of Millbank and its vicinity; praying for the passing of a Prohibitory Liquor Law.

Of F. Nye and others; praying for the abolition of the Seigniorial Tenure in Lower Canada.

Of Mrs. Zoé Biqué, widow of Joseph R. Richard; praying for a pension, in consideration of the services of her late husband in the cause of Education.

Of the Mutual Assurance Association of the Fabriques of the Dioceses of Montreal and St. Hyacinthe; praying for the passing of an Act to authorize Justices of the Peace in their respective Jurisdictions to administer the necessary

(244)

oaths to witnesses, experts, arbitrators, and parties interested or required in the affairs of the said Association.

Of Alexander Davidson, painter and proprietor of the Panorama of the Canadas; praying for aid to enable him to exhibit the said Panorama more generally throughout Europe.

Of the Municipality of the County of Quebec; complaining of the negligence and inefficiency of the Quebec Turnpike Trust now holding commission, and their permanent employés; and praying for the dismissal from office of the Commissioners of the said Trust and their said employés, and for the establishment of a more practicable system.

Of the Reverend P. Sax and others, of Lake Beauport Settlement and Charlesbourg; praying aid for the opening of a Road running along the said Lake to the main Road of the Parish of Laval.

Of the Reverend E. Faucher and others, of the Parish of St. Louis de Lotbinière; praying aid for the construction of a Wharf at the said Parish.

Mr. Fergusson, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the City of Quebec, informed the House, That the Committee had extended the time for delivering the Lists of objected votes on the part of all parties concerned to Monday, the sixth day of November next, at six o'clock in the afternoon.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Charles N. Tripp, of the City of Hamilton, on behalf of himself and others, and of W. Gamble, Esquire, and others, Millowners and others, and find that the Notices have been fully given.

With respect to the Petition of the Mayor and Town Council of the Town of Cornwall for the confirmation of a certain Survey of a part of the said Town, it appears that formal Notice has only been published for four weeks; the matter, however, has been for some time past before the inhabitants of Cornwall, in a less formal way, and Your Committee have no doubt that all parties likely to be affected by it, have been sufficiently apprized for the application to make opposition to the measure if they are so disposed. Under these circumstances, Your Committee would respectfully recommend that the Notice be considered sufficient.

Ordered, That Mr. Roderick McDonald have leave to bring in a Bill to declare valid a certain Survey of part of the Town of Cornwall.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address of the Legislative Assembly to His Excellency the Governor General,--Return to an Address of the Honorable the Legislative Assembly, on the 16th of October instant, for all Orders in Council, Departmental Orders, papers, advertisements and documents, relating in any way to the sale by Public Auction or otherwise, of certain Crown property at Point Levi, in which certain Members of the present or late Executive Council were concerned or alleged to be interested.

For the said Return, see Appendix (B.B.)

On motion of MR. COM. CR. LANDS MORIN¹.

(244)

Ordered, That the said Return be referred to the Special Committee appointed for the purpose of investigating all charges preferred against the Members of the late Administration.

(245)

Ordered, That Mr. Bell have leave to bring in a Bill to amend the Act to extend the Elective Franchise.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. PREVOST moved, that Messieurs Polette, Dufresne, Laberge and Papin be added to the Committee already appointed to enquire into the operation of the Registry Laws in Lower Canada. In making this motion, Mr. Prevost complained that the Committee were doing nothing. He wished the gentlemen named to be added, in order that something might be done.²

MR. COM. CR. LANDS MORIN said the Government had not had time to attend to the matter, but it would not be overlooked.³

After some discussion, chiefly in French, the motion was rejected.⁴

(245)

Mr. Prévost moved, seconded by Mr. Laberge; and the Question being put, That Mr. Polette, Mr. Dufresne, Mr. Laberge, and Mr. Papin be added to the Select Committee appointed to enquire concerning the operation of the Registry Ordinances or Laws; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Fergusson, Ferres, Flint, Foley, Frazer, Galt, Guévremont, Hartman, Holton, Labelle, Laberge, Roderick McDonald, Marchildon, Mattice, Merritt, Mongenais, O'Farrell, Poulin, Prévost, Sanborn, Scatcherd, Turcotte, Wright, and Young.--
(36.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Bowes, Cartier, Chabot, Chapais, Chauveau, Chisholm, Church, Cooke, Cook, Crawford, Crysler, DeLong, Dionne, Thomas Fortier, Fournier, Gamble, Gill, Huot, Laporte, LeBoutillier, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Morin, Angus Morrison, Niles, Patrick, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Terrill, and Whitney.--(47.)

So it was passed in the Negative.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to enforce Arbitration upon Litigants in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Ferres have leave to bring in a Bill to repeal in part an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to provide a remedy against the Corporation of the City of Quebec in case of injury to property by any Mob or during Riots in the said City."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the second day of November next.

Mr. Charles Daoust reported from the Select Committee on the Bill to amend the Act of last Session relative to the enregistration of the Articles of Clerkship of Law Students, That the Committee had gone through the Bill, and made amendments thereunto.

(246)

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

MR. SOL. GEN. D. ROSS, in the absence of Hon. Mr. Drummond, who he said was sick and in bed, introduced a Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein.⁵

(246)

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill to reform the Municipal system of Lower Canada, and to establish County, Parish and Township Municipalities therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill to amend the Law relating to Savings Banks.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the second day of November next.

The Order of the day for the call of the House, being read;

Ordered, That the House be now called over.

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace, to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow;--

Lewis Thomas Drummond.

John Rolph.

John Sandfield Macdonald.

James Smith.

Joseph Curran Morrison.

John Wilson.

Edmund Murney.

On motion of the Honorable Mr. Morin, seconded by the Honorable Sir Allan N. MacNab,

Ordered, That the Reasons of absence of such Members as were not present at the call of the House, this day, be taken into consideration on Tuesday the fourteenth day of November next.

The Order of the day, for the second reading of the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, being read;

MR. SOL. GEN. D. ROSS moved, that, in the absence of Mr. Drummond the second reading of the Seigniorial Bill be deferred till Monday next, and that it be then the first order of the day. This delay, he said, would also allow time for the Bill to be printed and placed in the hands of members.⁶

MR. AT. GEN. J.A. MACDONALD, in reference to the Order of the Day for the House going into Committee of the Whole on the Clergy Reserve Bill, said it was not the intention of the Government to proceed with that Bill, until the Seigniorial Bill had passed its second reading.⁷

MR. BROWN said the House had now been in session for a considerable time, and those Bills should really be placed before the House that action might be taken on them. The season was fast approaching when many of the members would be leaving Quebec, and it was exceedingly desirable to press on those Bills, while there was a full House.⁸

MR. COM. CR. LANDS MORIN, in regard to the Legislative Council Bill, said there was no wish on his part for delay, but he felt that it would be an over-task for him to go on with that Bill to-day.⁹

MR. A. DORION (Montreal) thought the House would not insist on the Legislative Council Bill going on, until those relating to the Clergy Reserves and the Seigniorial Tenure were proceeded with. (Hear, hear.)¹⁰

MR. LANGTON said he had moved on the 24th of September for a return of all the Incumbents entitled to grants from the Clergy Reserve Fund, and the amounts they were receiving. He wished to know if that information would be laid on the table before the House went into Committee on the Bill.¹¹

MR. INSP. GEN. CAYLEY replied that the return was being prepared as fast as possible.¹²

(246)

Ordered, That the Bill be read a second time on Monday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to constitute the Electoral County of Argenteuil into a separate Municipality, being read;

Ordered, That the Bill be read a second time on Friday the seventeenth day of November next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to enable the Superior Courts of Law and Equity to issue process to compel the attendance of Witnesses out of their Jurisdiction, and to give effect to the service of such process in any part of Canada," without any Amendment.

And then he withdrew.

The Order of the day for the second reading of the Bill to amend the Interpretation Act, in so far as it relates to Holidays, being read;

MR. FERRERES, in moving the second reading of a Bill to amend the "Interpretation Act," in so far as it relates to Holidays, explained the provisions which he proposed to repeal, and which had the effect of causing bills of exchange and promissory notes payable on certain holidays, twelve in number, to be paid the day before, and of shutting up banks, custom-houses, and other public offices, on those days. In future, he proposed that the word "Holiday" in any Act to which the Interpretation Act was applicable, should include Sundays, Christmas Day, and New Year's Day,¹³ [1e] Vendredi Saint, ... [1e] jour de la naissance de la Reine,¹⁴ and any day appointed by Proclamation for a general Fast or Thanksgiving, and no other, except any day specially appointed to be observed as a holiday by any bank or banking company, under any act now in force. He brought forward this matter not as a religious, but as a commercial question. He could not conceive why, in a commercial community, the Legislature should compel men to pay their debts before they were due. He did not know how those holidays came to be placed in an Act of Parliament, but he did know that, being there, they were productive of the greatest inconvenience¹⁵, surtout par la clôture de la douane ces jours-là.¹⁶ He would give an instance of the effect of it. The 24th of last May was a holiday established by the Act regulating bills of exchange. The 25th was Assumption Day, made a holiday by the Interpretation Act. Consequently, the whole

commercial community having bills due on the 24th or 25th of May, had to take them up on the 23rd, along with bills due on that particular day. Now he could not conceive why merchants, in the course of their business, should be compelled without any sort of reason, so far as he could see, to take up three days' bills in one.¹⁷ The expedience of statutory holidays was very questionable in a country like this. In Upper Canada, these holidays did not affect the payment of notes, and he did not know why this difference between the two sections of the Province should exist.¹⁸ Had those days been set apart from any religious motive, Saturdays might as well have been included, in order to respect the religious scruples of those who were of the Jewish persuasion. (Hear, hear.)¹⁹ Si le bill est lu une seconde fois il proposera de le renvoyer à un comité spécial.²⁰

MR. COM. CR. LANDS MORIN asked, if a portion of the inhabitants of this Province, say Mohammedans for the sake of illustration, asked for the abolition of Sundays, because they interfered with the commercial business of the country, what would the hon. member for Missisquoi (Mr. Ferres) say? Would he not say that, as a Christian, whose rights should be protected, and whose religious tenets should be respected, that no banks or public offices should be opened on Sundays?²¹ [Il] demande aux membres protestants de la Chambre ce qu'ils penseraient si quelque membre venait devant eux pour demander l'abolition des lois pour l'observance du dimanche (*sic*), qui sont établies pour protéger un des objets de la foi des protestants; et pour ceux qui croient les jours de fête aussi sacrés que le dimanche, le bill actuellement devant la Chambre est précisément la même chose.²² The principle was the same in the present case; holidays being held by the great majority of the people of Lower Canada to be as sacred as Sundays. Far from being a commercial question, therefore, it was a religious question of the highest degree. In a country like this, in order to secure harmony and good feeling, the various classes of the population ought to respect one another's religious feelings. The hon. member had asked why Saturdays were not included among the holidays, in order to respect the feelings of members of the Jewish persuasion. He would reply by saying that the number of Jews was not great²³. Dans un pays où la moitié de la population se composerait de juifs, elle [la loi actuelle] pourrait avoir de graves inconvénients²⁴. There being only two principal classes of people in this Province, the Catholics and the Protestants, arrangements made to suit these two classes would be sufficient, and the amount of oppression felt by the others would not be very great. But, as regarded these holidays, Roman Catholics were entitled to have them observed, not only on account of that respect which one class of the population should pay to the feelings of another, but they were entitled to it by ancient and vested rights. They rested on an older foundation than the Interpretation Act, being protected by the conditions of the original cession of the country.²⁵ L'ancien traité de capitulation ... conservait aux catholiques du pays leurs rites religieux. Des jours mentionnés dans l'acte il y a le Vendredi Saint que les catholiques n'observent pas, mais qu'on y a inséré parce qu'il est observé par les protestants. Il y a quelques autres jours qu'observent pareillement les catholiques et les protestants, quoique quelques-uns ne soient pas des jours tenus pour sacrés.²⁶ He and his friends had no objections that those, who had no religious scruples as to those days, should keep their stores open, but they did object to the carrying on of bank business, exchange business, and commercial business of all sorts.²⁷ There was no reason, however, why persons who desired to do so should not, in those days, attend to their business; why they should not keep their shops open on good Friday if they thought proper. The

reason why these holidays were not so generally kept in Upper Canada was probably owing to the state of public opinion there. All the holidays were not religious,--the Queen's birthday for instance.²⁸ He did not think that much inconvenience after all was felt, but if that really was the case, he had no objections to the law being altered, allowing parties if they chose to pay their bills the day after, instead of the day before a holiday. If the hon. member would not withdraw his bill on that understanding, he would feel it his duty to move that it be read a second time that day six months.²⁹

MR. CAUCHON rose with the obvious intention of speaking³⁰.

Shouts from French members of "sit down, no debate," &c.³¹

MR. CAUCHON dropped in his seat.³²

Amidst loud cries of question! question! vote! vote! from the French members on the ministerial side³³ ... MR. BROWN rose ... [and] remarked, that he was not in the least in a hurry, and would wait till hon. gentlemen came to order. When quiet was restored, he said he apprehended the hon. member opposite (Mr. Morin) had placed his argument on altogether a wrong foundation. The hon. member spoke as if this Bill were interfering with the rights and privileges of others. Now he apprehended that it was the Act which it was now sought to repeal that interfered with the rights and privileges of others. (Hear, hear.) The hon. member seemed to think that his denomination was the only one that set days specially apart for worship, but other denominations did so as well. The Presbyterians had several days in the year which they devoted to religious purposes. So also the Methodists, the Baptists, the Church of England, and other sects.³⁴ If the holidays of all the churches were recognized by the Legislature, the evils of the system would become very great.³⁵

MR. PROV. SEC. CHAUVEAU.--Do they hold it wrong to work on those days?³⁶

MR. BROWN said they held that members of the Church should set apart those days to religious duties--not from respect to the day, but the engagements of the day³⁷, (hear, hear,)³⁸ and a great many of their members closed their places of business on those days. If then it was proper to stop public business on the select days of one denomination, the same course should be taken in reference to every day respected by every denomination in the country.³⁹

MR. COM. CR. LANDS MORIN.--I am perfectly ready to extend the same privileges to all such holidays.⁴⁰

MR. BROWN believed the hon. member would find very few to agree with him in doing so.--The result would be such an inroad on the industrial pursuits of the people of the country, destructive of their business habits, as to be perfectly ruinous. (Hear, hear.) The twelve days now taken from business, to please the Roman Catholic Church, would be increased to a month, and if the sacred days of the Jews were included, [an]other two months of holidays would be added.--(Hear, hear.) But the enforcement of any such holiday, it was very evident, was quite inconsistent with the principle of a bill, recently presented by hon. gentlemen opposite for the acceptance of the house. He alluded to the Clergy Reserve bill, which directly enunciated the principle that it was desirable to destroy all semblance of connection between Church and State. (Hear, hear.) That principle ought to be fully carried out, (Hear, hear.) and he hoped the ministry had not used it in their Reserve Bill for party purposes, without the intention of enforcing it in their public policy. He entertained the highest respect for the claim of the members of any church that they should

be allowed to absent themselves from work on the days which they set apart for worship; but he could not see why, because one part of the community chose to regard a particular day with peculiar respect, all the rest of the community should be compelled to observe it likewise. The hon. member says, that on all these Roman Catholic holidays, all who object to keeping them may open their shops, if they choose. Very true--they may open their shops, but they can do no business⁴¹ in the Custom House,⁴² at the Banks or the Courts, or the Post Office, or in any public department; all business on these days comes to a stop, and they were so numerous as to be highly injurious to the industrial pursuits of the country.⁴³ Les presbytériens observent deux jours toutes les années; mais personne n'en entend parler--il n'y a pas de législation pour les protéger.⁴⁴ The hon. gentleman asked what would be said if there were a number of Mahommedans (sic) in the country, and if they insisted on Sundays being abolished. That question, however, did not at all present itself. All the citizens of this country concurred in desiring that Sunday should be respected, and that not only because God commanded it, but because the observance of a seventh day is a physical necessity. Even the Jews regarded the Christian Sabbath as an observance necessary for the good of society, and they paid respect to it accordingly. Such an argument he regretted to hear from the Ministerial benches. Were these holidays the mere device of man--mere creations of the Pope of Rome--to be compared for a moment with the Christian Sabbath? Were Protestants to be compelled to observe them with equal sanctity with the Sabbath--nay, with greater sanctity, for was not Sunday selected in Lower Canada as the special day for judicial auction sales? But the hon. gentleman says this is not a question of privilege, but an ancient and vested right to which the Roman Catholics in Canada are entitled--He did not think the gentlemen on the Treasury Benches were in a position to claim special respect for ancient privileges, on account of their antiquity. But what did this alleged vested right, or vested wrong rather rest upon? Why, the hon. gentleman says, the treaty of capitulation secured the legal enforcement of these Roman Catholic holidays, and they must be observed for all time to come. He (Mr. Brown) was well assured that the hon. gentleman was mistaken, that no such condition was to be found either in the capitulation of Quebec, the capitulation of Montreal, or the treaty of Paris. But what if it were? It would be merely an agreement, as between the English and French Crowns; and certainly not operative as binding the people of Canada self-governed and self-dependent. (Hear, hear.) The treaty at the conquest was to protect the people of Canada against the power of England; not to restrict the liberties of the Canadians. We are the people of Canada--we have full liberty of legislation--we are not bound in the government of our country by any ancient treaty. (Hear, hear.) The true principle on which this holiday question should be settled appeared to him (Mr. Brown) to be this: let every citizen have full liberty to observe all the religious duties his conscience dictates--let him close his shop--let the official absent himself from his desk--let the Judge omit to appear on the bench--on the days he desires to set apart for worship--but let no sect force its holidays on others; let not the law enforce the mandate of any church. What object could there be in maintaining these compulsory holidays by statute, unless to show the power and the dominancy of Rome in a British Colony? If persons desired to set special days apart for Divine worship, could they not do so without a law? How did all other churches manage without any law? Nay, how did 160,000 Roman Catholics in Upper Canada get along without one? Were they not as good Romanists as their Lower Canada brethren? did they not observe their religious duties as scrupulously?--And yet they had no law. He thought

the bill now under discussion ought to commend itself to the support of every member of this house, more especially on the principle laid down by the hon. gentlemen opposite in their Clergy Reserve Bill. (Hear, hear.)⁴⁵

MR. COM. CR. LANDS MORIN.--On the same principle that I am in favor of the Clergy Reserve Bill, I am opposed to this bill.⁴⁶

MR. BROWN.--The case is this. The Roman Catholic Church, by its hierarchy says that certain holidays shall be observed. The state steps in and says, the Pope has established those holidays, and we command all men to observe them. Is not that a direct connection between Church and State? (Hear, hear.)⁴⁷

MR. AT. GEN. J.A. MACDONALD said it was of the very greatest importance for the mutual comfort of the inhabitants of Canada to agree as much as possible, and the only way in which they could agree was by respecting each other's principles, and as much as possible, even each other's prejudices. Unless they were governed by a spirit of compromise and kindly feeling towards each other, they never could get on harmoniously together. He did not think that the hon. gentleman who introduced the bill had made out a case.⁴⁸ He had put it upon commercial grounds only, which was really the only sensible ground to put it upon, for in any view it must be considered to be a fanatical attempt to wound the feelings of our Roman Catholic friends.⁴⁹

MR. BROWN.--hear, hear.⁵⁰

MR. AT. GEN. J.A. MACDONALD [continued:] The only real inconvenience, that of bills having to be paid a day before they were due, did not amount to much, but if it did it might be remedied in the way proposed by the hon. Commissioner of Crown Lands, by an Act being passed to make them payable the day after instead of the day before. As to the observance of those holidays involving any connection between Church and State, the same argument would apply to the observance of Sunday, as to which all the inhabitants of this country were not agreed.⁵¹ Religious feelings had been excited in Upper Canada by the hon. member for Lambton, and what the hon. member had alluded to about church and state would apply to the Sunday equally with the Catholic holidays.⁵² The Jews recognized one sacred day in seven, but not the propriety of shutting shops on Sundays and opening them on Saturdays, and if the law allowed them, they would open their shops on the former day.⁵³ Il faut abroger toutes les lois qui protègent le dimanche parce que les juifs ne l'observent point. Mais cela lui rappelle l'histoire du Commodore Stockton, lorsqu'il se trouvait devant la ville d'Alger et demandait les prisonniers Américains. Le Dey lui envoya dire qu'il y avait une loi fondamentale qui l'empêchait de livrer les esclaves chrétiens. Eh bien! dit Stockton, il n'y a pas de chrétiens dans les Etats-Unis, là le gouvernement ne connaît que des Américains. Peut-être le membre pour Missisquoi voudrait mettre la chose dont il s'agit sur la même base.⁵⁴

On none of these catholic holidays were the Protestants obliged to keep their shops closed. There were only eleven holidays in the year, and five of these all Protestants agreed to keep. These were Good Friday, Christmas-day, a fast-day that might be appointed, the Queen's birthday, and new year's day. If it was thought desirable, notes and bills might be made payable the day after the holidays, instead of the day before. Of these days only three occurred in the summer or business seasons. The hon. member for Lambton had said, if all the holiday[s] of all denominations were kept, half a year would be consumed

in this way. It was true that the Presbyterians had certain fast days which they kept, but they did not deem them sacred; they did not regard it as a sin to work on those days. It was not desirable that the notes and bills of Catholics and Protestants should be made payable on different days, and therefore it was deemed necessary to make the holidays obligatory on Protestants. He was sure the hon. member would feel aggrieved, if an attempt were made to compel him to follow his business on Sunday; and yet he wished to pursue a similar course towards Catholics with regard to these holidays.⁵⁵ He (Mr. McD.) hoped that the hon. mover would at the suggestion of the hon. Commissioner for Crown Lands, alter his motion so as that the bill or note be made payable the day after the holiday, but otherwise he would vote for the hon. Mr. Morin's amendment.⁵⁶

MR. CAUCHON said it appeared to be the idea of the hon. member for Mississquoi (Mr. Ferres) that commercial interests should prevail over everything else in the world, and that if there should be any obstacle in the way of trade, the religious liberty of every one in the Province should be encroached upon in order to [cause] its removal. If this principle were carried out, the result would be that no one could hold religious opinions, without being liable to have them encroached upon.⁵⁷ Si toute chose doit céder au commerce, on doit abolir les dimanches qui retranchent cinquante-deux jours dans l'année. Les jours de fête sont protégés pour les fins religieuses[s] de ceux qui forment la moitié de la population du Bas-Canada. Cette raisor (sic) aussi est certainement valable même aux yeux du membre pour Missisquoi. Autrement, il n'aurait excepté aucun jour de l'abrogation qu'il propose. Le commerce souffre de tous, des jours de naissance de la Reine autant que de tout autre. Pourquoi donc ne débarrasse-t-on pas le commerce de ces entraves, autant que de celles causées par les jours sacrés. Les juifs ne sont pas obligés par leur religion de laisser leur commerce les dimanches, pourquoi les oblige-t-on de le faire--pourquoi les faire payer leurs billets le samedi au lieu du dimanche. Est-ce parce que leur nombre est petit? si cela est qu'on le dise hautement.⁵⁸ If the trade found it inconvenient let them present the note one or two days before it was due, or make it payable a day after, and the merchant pay the interest for the one day. The Legislature in Lower Canada had always been too liberal, and of it no creed had complained, and the great majority of that Legislature had been Catholics, and why should not the same cordiality prevail between people of the churches as formerly?⁵⁹ Le seul principe qu'on peut suivre en pareil cas est pour chacun de respecter les sentiments de son prochain. C'est là la règle qu'on suivait toujours avant l'Union et elle a produit la paix et la concorde. Il en appelle au membre pour Chateaugay, qui s'y connaît.⁶⁰

MR. DEWITT.--If the hon. mover had changed the present law, so that the notes should be made payable the first legal day following the holyday, he (Mr. DeWitt) would have been glad to support him⁶¹. Autrefois on payait les billet[s] qui venaient dus les jours de fête, le jour après au lieu du jour avant leurs échéances. Personne ne s'en est plaint, et il croit qu'il y a eu quelque méprise, pour qu'on ait changé le système lors du dernier bill. Si le membre pour Missisquoi faisait un changement dans son bill pour restaurer l'ancienne règle, il l'appuiera. Pour lui-même (M. Dewitt) il est un protestant très strict⁶²; [he] did not come to the House of Assembly for his letters on Sunday; and while he wanted his own creed to be respected, he wished also that another's should be.⁶³ Il avait vécu longtemps dans une harmonie parfaite avec un peuple d'un symbole autre que le sien, et il veut continuer de

le faire, et ainsi de démontrer l'amour chrétien non pas en parlant toujours de libéralité, mais en le faisant voir dans ses actes.⁶⁴ When Bills of Exchange fell due, according to the motion now before the House, difficulty would occur through the observance of these holydays. He would rather continue the old system, unless the amendment that he had proposed was made.⁶⁵

CAPT. RHODES (Mégantic) dit que celui qui fait un billet peut savoir toujours si un tel jour est un jour de fête, et dans ce cas il faut dater le billet pour rencontrer la difficulté, un jour en avance ou un jour plus tard.⁶⁶

MR. SOL. GEN. D. ROSS said when a person made a note he knew on what day it would fall due. If that day would be a holiday, and cause his days of grace to be reduced from two to three he could date his note one day in advance. He thus possessed, at the very time he made the note, the means of preventing the very thing that had been complained of as an evil.⁶⁷ The great principle of all Protestant communities, was, perfect toleration to all other sects. It was the boast of the Presbyterian Church of Scotland, to which he belonged that they are tolerant to all denominations. He did not think that the measure now before the House savoured of that principle which we ought to observe--he meant the golden rule--"Do unto others as you would be done by" (Hear, hear,) and it being a religious law upon Catholics, that they should on certain days abstain from labor, how would the hon. member for Lambton, like to be coerced into doing business upon Sunday. How did the hon. member for L., know either that the holidays of the Roman Catholics were not just as right as the Sabbath-day which the hon. member observed. The Sabbath-day indeed was a question that had puzzled the minds of astute philosophers.⁶⁸

MR. HINCKS said it was gratifying to him to see that the debate on this question, which was of a somewhat delicate nature, had been conducted so far without anything tending to irritate the feelings of members who took opposite views of it. The hon. member for Mississquoi who introduced the Bill did it in a manner which gave no cause to any hon. member on this (his) side of the House, to feel any irritation whatever, and he trusted that hon. gentlemen on his side of the House, particularly hon. members from Lower Canada, would give the subject their calm consideration, and not believe for one moment that the question had been brought forward with any intention of wounding their feelings. It was a matter of grave consideration whether a large portion of the population did not suffer a grievance, owing to the present state of the law. But so strongly did he feel the justice of the remarks which had been made as to the necessity of this House considering the various materials of which it was composed and approaching the consideration of questions of this sort with a desire to make mutual concessions, that he would rather himself suffer a grievance than endeavour to get rid of it by taking any course that might justly be considered as wounding the feelings or even attacking the prejudices of a large class of the population. He believed, however, that all the grievances which were felt in the present case, might be remedied without any injury whatever or any just cause of complaint to the population of Lower Canada. Although the question had been more particularly discussed with reference to the operation of the present law with regard to the Banks, he was satisfied that that really was not the great grievance that was felt. The greatest grievance was its operation on the Customs and Public Institutions, and there was no reason that he could discover why those holidays should be kept by the Custom Houses.⁶⁹ Now although he did not think, that it would be reasonable to expect gentlemen in the Customs who conscientiously kept up these holidays, to work upon these

days, still such a consideration would not operate to remove the evil complained of. Such compliments must not be understood, as made with the view of attacking either the Institutions, or feelings of any class of their fellow subjects. The subject had come upon him (Mr. H.) rather unexpectedly, and he had hoped to have refreshed his memory upon some points, during the adjournment of the House half an hour ago.⁷⁰ Ce qui fait sentir le grief le plus vivement, c'est que deux ou trois de ces jours de fête viennent précisément au commencement de la saison du commerce, au moment où les commerçants sont obligés de travailler jour et nuit avec leurs importations du printemps⁷¹. He was however rather under the impression at this moment, that the grievance which exists in the Customs, not being open on these holidays, was a grievance that could be remedied by Executive action⁷², and he took some blame to himself that it was not remedied while he was in office. His attention had been specially called to it in 1853, and he had certainly thought seriously of remedying it in 1854, but being absent in England during the period of the spring importations, when the evil was much felt, the matter had escaped his attention, and he had not taken those steps which he ought to have done. In point of fact, he doubted much whether the Custom Houses were properly closed on those days.⁷³

MR. TURCOTTE said the Quebec Custom House was not closed on holidays.⁷⁴

A slight explanation took place, some members replying that they were closed.⁷⁵

MR. HINCKS said that if that fact were correct, it arose from the circumstance of the Quebec Collector of Customs being a Protestant, and undertaking on his own responsibility to open the Custom House for the convenience of the commercial community. In Montreal the Collector was a Roman Catholic and there the Custom House was closed. He had no objection to the Collector, if he were a Roman Catholic, staying away himself, but there was no necessity for closing the Custom House on that account. The business could go on in his absence.⁷⁶ He (Mr. H.) had no objection to Roman Catholics staying away from business on these holidays, but there was no object in closing the Custom House, (alluded to the Act of Victoria regulating the occasion on which public offices, and the Customs should be closed.) This Act however, would not interfere with the holidays mentioned in the Interpretation Act.⁷⁷ If the hon. gentleman who had interrupted him was correct, his statement furnished a strong argument in support of his case, for it was not right that, in a great commercial city like Montreal, because the Collector of Customs happened to be of a different religious persuasion from the Collectors in Toronto and Quebec, the merchants of Montreal should be exposed to an inconvenience which merchants in those other towns were not exposed.⁷⁸ He really felt that the grievance complained of by the Commercial Community, it was very desirable to remove, especially as no restriction would thereby be imposed on any individuals who desired to keep these holidays, and it was a question that deserved most serious consideration, and there should at least be no objection to meet the wishes of the Commercial Community in this respect. With regard to the banks, he thought that the legislation upon the subject of holidays, had been principally framed for the convenience of the banks, and he thought that the banks should have a right to expect interest for every day, which bills are allowed to overrun; that was fair. It was however perfectly well known that the three days known as days of grace originated, and perhaps very wisely in former times, but they were now looked upon as absurd and are not used. Every person in

business understood, what day he would have to pay his bill upon, and provided himself accordingly. He (Mr. H.) thought, that the whole difficulty could be got over, if the suggestions made by the Attorney General for Upper Canada was carried out, and that in the case of Holidays, bills and notes were to be made payable the day after the holiday instead of the day before. There were holidays fixed by law, and it might be urged that a man is bound to know the law and ought to provide himself accordingly. If every man would do so, it would be another thing, but it would be a great deal better to throw that responsibility upon the Banks, to whom it would be little trouble. They would get the interest up to the day after the holiday, instead of up to the day before. Supposing for example that the effect of the present law was, that the bill becoming due on Sunday, would lead to the note being protested--the credit of parties would be injured and inconvenienced to an enormous extent. Upon the whole, he thought that the suggestion of the Attorney General for Upper Canada would remove every difficulty.⁷⁹ Quant aux billets promissoires, on peut rencontrer toutes les difficultés substantielles en adoptant (sic) le moyen proposé par M. Morin. Aujourd'hui c'est un inconvénient très grave qu'un commerçant du Haut-Canada, qui ne se connaît point dans les fêtes, peut avoir son billet protesté le samedi quand il s'attend qu'il ne sera dû que le lundi.⁸⁰ There was no doubt that, practically, in Quebec, all the banks did keep open on a great many of these holidays; he meant that a party could go and deposit his money in a Bank, but it was different in the case of bills falling due. The only Bank in Montreal which observed all the holidays, which are provided by the Interpretation Act, was the Banque du Peuple. He thought that the two objections that he had adverted to, might be got over, and he was prepared to say, that it would be advisable to make no alterations in regard to the Sitings of the Courts, until the other grievances were removed, if there then would be no cause of complaint, which he was quite satisfied did not arise from any disposition by hon. gentlemen to attack the institutions of Lower Canada. He wanted hon. members to bring that to their minds, and that the complaint proceeded from the commercial community, who could not transact their business at the Custom House and Banks with the facility they required by reason of these holidays.⁸¹

MR. CARTIER.--The hon. member had given the House to understand that the Act regulating promis[s]ory notes and bills of exchange in Canada, was a Catholic act, that is passed for the special protection of Catholics to the prejudice of Protestants and people of other religious denominations.⁸²

MR. FERRES denied having done so.⁸³

MR. CARTIER was glad to hear it then. Well: the hon. mover said he did not bring his motion forward upon religious grounds. When the act was passed in 1849, he (Mr. C.) was a member of the House, and had a hand in framing the bill, being a member of the special committee which framed it. That bill, before all the clauses in it were adopted, was submitted to every bank in Montreal, and they were satisfied with it, because before that bill was framed in Lower Canada, they were in a state of confusion in regard to the law which regulated the protests of promis[s]ory notes and bills of exchange. In regard to the former, they then had six days grace. He felt that that was rather too long and did not suit the advantages of commerce, and he determined to get it altered, and the effect of that bill of 1849 was, to put all the promis[s]ory notes and bills of exchange upon the same footing. Just after the passage of that Act, the Banks were in confusion in regard to the time

when the protesting of a note by a Catholic expired. After some intercourse with the cashiers of the Banks of Montreal, they (Mr. C.'s friends) came to the conclusion to fix specially, by law, the holidays, so as to suit the Protestant Banking institutions, as well as Catholic. That law satisfied then the whole commercial community. In 1850 and 1851 slight amendments were made thereto, as regarded the time for making the protests to a bill. Now it was most extraordinary that now they were called upon to alter a law which had been adopted in 1849 and amended in the two succeeding years, and which interests so much the Banking Institutions of this country, and that no Bank had presented a single petition to this House to obtain any alteration. They (Mr. C.'s friends) made it necessary that the note must be postponed before the third day of grace by the law which he had alluded to.⁸⁴ Il demande maintenant si le membre pour Missisquoi tient aucune pétition des banques.⁸⁵

MR. HINCKS.--Les banques sont intéressées à ce qu'on adhère à la règle actuelle.⁸⁶

MR. CARTIER.--L'intérêt des banques dans la règle est très petit, ce n'est que les intérêts d'un jour sur les billets échéant les jours de fête. Mais ce qui intéresse les banques et la classe commerciale, c'est qu'il y ait de la sûreté pour les paiements. Il espère qu'on rejettera le bill.⁸⁷

MR. TURCOTTE (in French)⁸⁸ félicite la Chambre de ce que le débat ait été entièrement libre de l'esprit de haine religieuse, quoiqu'on ait craint au début du membre pour Lambton que cet esprit ne se fit sentir. En traitant le sujet avec calme et bonne volonté, la Chambre viendra à composer tous les différends et faire entendre les deux partis, sans blesser ni les sentiments de l'un ni les intérêts de l'autre. La partie de la question la plus importante est celle qui a rapport aux douanes, et il n'hésite pas à dire, que si la douane de Montréal est fermée les jours de fête, cette fermeture est illégale. La douane est ouverte à Québec tous les jours sans blesser la foi de personne, et le département doit être très mal organisé, s'il n'a pas quelqu'un qui puisse en conduire les affaires dans l'absence du collecteur. Quant aux questions des banques, il ne veut pas qu'elles soient interdites d'agir comme elles l'entendent, parce que les Catholiques qui se connaissent dans les fêtes peuvent toujours se garder de toute difficulté en ne faisant pas échoir leurs billets ces jours-là.

Les Protestants qui ne font pas cas de ces fêtes, peuvent se tromper souvent là-dessus. Ils peuvent savoir les noms des fêtes, mais ignorer les dates auxquelles elles tombent. Les banques sans doute respecteraient les consciences de leurs employés. Pour ces raison[s] il voterait pour le bill s'il ne touchait pas aux cours de justice. Mais il votera contre, parce qu'il ne croit pas qu'il soit juste qu'un Catholique soit obligé de comparaître devant une cour les jours qu'il croit être sacrés.⁸⁹

MR. LORANGER dit que les Catholiques ne font pas de cette question une question de suprématie religieuse, mais d'égalité religieuse. Ils veulent seulement que leurs idées soient respectées comme ils respectent celles des autres; et si le monsieur qui a proposé ce projet de loi connaissait les vues des catholiques, il saurait que de négliger les jours de fête, est chez eux une transgression tout aussi forte que de négliger le dimanche. Le bill porte donc une grave atteinte aux sentiments des catholiques de la province.⁹⁰

MR. TURCOTTE.--Comment en était-il donc avant que la loi actuelle fût passée?⁹¹

MR. LORANGER.--Le plus grand nombre des jours mentionnés étaient observés par les cours avant ce temps-là; et il pense qu'en établissant les jours de fête on n'a fait qu'établir la paix parmi toutes les classes. Il répète qu'on ferait un grand tort si on ouvrait les cours et les bureaux publics, ou si on obligeait les signataires de billets à les payer les jours de fête. La règle actuelle ne peut causer qu'un inconvénient minime, car la chose est parfaitement comprise parmi les classes commerçantes; aussi il est sûr qu'on ne peut citer deux cas où on a souffert dans la pratique de cette loi. Quant à la douane il semble que sa fermeture est illégale et elle doit l'être, et si on veut porter la réforme plus loin, on doit l'appliquer aux jours dont le moteur du bill fait des exceptions. Pourquoi protéger les jours appointés pour les actions de grâce, ou le jour de la naissance de la Reine. Il n'a pas d'objection à respecter ces jours; mais s'il le fait pourquoi ne pas respecter les autres jours? Pourquoi respecter seulement les jours qu'on peut appeler profanes, et ne pas respecter ceux qu'une grande partie de la population croit être sacrés. L'autre jour on a voulu faire une fête pour la prise de Sébastopol. Il n'y a pas objecté; mais la raison certainement n'en était pas plus forte que celle qu'on allègue pour consacrer les jours de fête. En effet le bill est un attentat grave aux droits, aux privilèges et aux institutions catholiques, et il croit que la Chambre doit jeter le bill à terre. On ne peut sonder les motifs d'autrui, mais dans ce cas, il croit que malgré les professions du membre pour Missisquoi, il y a eu un motif caché pour l'introduction de ce bill.⁹²

MR. PAPIN spoke in French⁹³. [Il] observe que dans tous les pays et chez tous les peuples la tolérance religieuse était une des plus grandes vertus, et l'intolérance pourrait être cause de si grands maux pour la société que ceux qui faisaient preuve de tolérance, comme presque tous les honorables membres qui avaient pris la parole avant lui, méritaient à un plus haut degré l'approbation publique.

Que si la tolérance religieuse était nécessaire en principe, elle l'était encore bien davantage dans un pays comme le nôtre, où l'on voyait agglomérée sur un même point une population partagée en un grand nombre de croyances religieuses différentes. Malheureusement il se rencontrait quelquefois des hommes que des sentiments religieux exagérés portaient à discuter de semblables questions d'une manière qui pourrait avoir de mauvaises conséquences. L'honorable membre pour le comté de Laprairie (M. Loranger) en était un exemple. Nul doute que cet honorable membre était de la meilleure foi du monde et que l'excès de son zèle religieux était la seule cause qui avait pu l'entraîner à donner à la discussion une tournure qui pourrait avoir de bien mauvais résultats si son exemple était suivi par d'autres membres.

Il était (M. Papin) aussi tolérant que qui [que] ce soit, et voulait discuter la question sous son vrai mérite. Personne ne pourrait nier que la loi actuelle produisait des inconvénients dont la population protestante, et surtout la partie commerçante des villes, avait droit de se plaindre jusqu'à un certain point. Dans les mois de mai et de juin, les occupations des marchands dans les villes sont si multiplié[e]s qu'ils sont obligés de travailler, ainsi que leurs employés, non seulement pendant tout le jour, mais encore pendant une grande partie de la nuit. Il y avait dans ces deux mois plusieurs fêtes qui gênaient nécessairement leurs transactions commerciales, en autant qu'elles étaient liées avec les banques et les douanes. Les catholiques, s'ils se trouvaient dans la même position, se plaindraient de la même manière. Mais il fallait tâcher de trouver le remède convenable; et le bill de M. Ferres, en

remédiant à cet inconvénient, en créait de bien plus graves pour les Catholiques, car s'il était adopté il obligerait les Catholiques à transiger des affaires commerciales et judiciaires les jours de fête, ce qui serait aussi injurieux à la population Catholique que d'obliger par la loi les protestants à transiger des affaires le dimanche. Il était donc opposé complètement au bill en question, et conseillait à l'honorable membre pour Missisquoi de le retirer, sauf à en présenter un qui pourrait remédier aux inconvénients actuels dont les protestants se plaignent, sans affecter en rien les droits, les croyances et les sentiments religieux des Catholiques.⁹⁴

MR. RANKIN would not have believed it possible, had he not seen evidence of the fact, that any member could have been so intolerant as to have brought forward a measure of this description (hear! hear!) The hon. mover could not be ignorant of the fact, that a large number of the members of that House were persons who entertained religious opinions, against which the Bill was a direct attack. He (Mr. R.) would not presume to question the hon. mover's motives, only his discretion. What would the hon. gentleman say, if any Catholic member of that House, believing it to be his duty, should introduce a bill making it obligatory upon Protestants to desecrate those days which he, as a Protestant, firmly believed it to be his duty to keep holy? Would the hon. mover not rebel against any such idea, as one being oppressive and intolerant; and had they any more right to dictate to Catholics what they should do? Certainly not; and for these reasons he trusted that the Bill would meet with that fate which it deserved, and be indignantly rejected by the House.⁹⁵

MR. FERRES said it was not his fault that the discussion which had taken place had assumed a religious character. But, having been told by honorable members that the law itself which he proposed to repeal was framed from religious motives, he was not at all surprised that the present discussion should have been tinged somewhat with a religious colour. If that law were framed with a religious character, he considered he was entitled to come before this House in that very spirit of toleration which had been so much talked of, and demand that that statute should be abolished. (Hear, hear.) He was told by the honorable Commissioner of Crown Lands that this was a religious question of the highest degree, and that the observance of these holidays was older than the Interpretation Act. The hon. gentleman talked about the cession of the country, but he (Mr. Ferres) could go back to a statute older than that. He could go to Mount Sinai⁹⁶, (laughter)⁹⁷ where God said, "Six days shalt thou labor, and do all thy work." (Cries of oh! oh! and interruptions.) He was aware that he might be sneered at, when he said there were commandments superior to the statutes of man, but, if he learned at Mount Sinai, that he was to labor six days, of what consequence was it to him to be told that at the cession of this country, the people were told not to labor six days, but to keep other days holy besides the seventh. Honorable gentlemen on the other side preached to them about toleration. The effect of their toleration was to compel him not only to abstain from business on certain days, but to pay his debts before they were due, because certain holidays had been appointed to be observed on the authority of men like himself. He could not understand such toleration.⁹⁸ On compare les dimanches avec ces jours de fêtes; mais c'est sans aucune raison, car le dimanche a été ordonné par Dieu pendant que les jours de fêtes n'ont été ordonnés que par les hommes. Les doctrines ultramontaines du membre pour Laprairie sont très dangereuses, et si l'on voulait les pousser à bout, elles donneraient lieu à des luttes épouvantables.⁹⁹ The honorable member for Essex (Mr. Rankin) asked what we would think, if Roman

Catholics were to introduce a Bill dictating to Protestants? But what was the fact? Was there no statute establishing Roman Catholic holidays, and dictating to us when our bills should be paid whether they were due or not. The Roman Catholics had dictated to us, and had placed their dictation on the Statute Book, from which it was his object now to remove it.¹⁰⁰ He interfered with no man's rights and he wished no one to interfere with his. If we were now giving up the Clergy Reserves, in order, as they themselves said, that there might be no semblance of connection between Church and State, how could they refuse to do away with the holidays of all denominations? What he proposed to do away with was more than a semblance: it was an established reality. No legislature had a right to interfere with the sanctity of contracts: to make him pay a day before, or to compel his creditor to wait a day longer than the contract. These holidays were not observed in Upper Canada; yet the law was the same in both sections of the Province. How was this? He believed the judges held that it was not intended to apply to Upper Canada.¹⁰¹ M. Cauchon a dit qu'il n'y avait aucun trouble par cette loi avant l'Union.¹⁰² It had been said that there were no complaints of this law before the union. That was quite true, and for the very obvious reason, that this law did not exist till 1849, long after the union. He simply wished to restore matters to what they were before in 1849. He proposed to infringe upon no man's rights. He only wanted that no man should be permitted to infringe on his.¹⁰³

MR. O'FARRELL said the honorable member who had just spoken had referred the honorable Commissioner of Crown Lands to what took place on Mount Sinai. He told him that the command was there given, "Six days shalt thou labor." But there was something more given as a commandment on that mountain, and when the hon. gentleman did ascend the mountain, he should have stopped there a little longer, and should have learned the name of the day on which he was ordered to rest. He should have asked whether that day was Saturday or Sunday. If he would take the trouble to look into the matter, he would find it was Saturday he was commanded to rest upon. If he was consistent, therefore, he should have the Sundays struck out of the Act, and Saturdays inserted, as days on which no labor should be allowed. He asked him where he found anything on which to ground his belief that his observance of the Sunday was correct? In relation to this Bill, he awaited the result of this night's vote to shew him whether there would be intolerance enough on the part of honorable gentlemen from the other section of the Province to thrust upon the people of Lower Canada the observance of the same rites as they revered, or to give Protestants the advantage over Catholics in all the relations of public and private life. He would endeavor to make himself understood. He meant that he would await the result of this night's vote to see whether Upper Canada members would force the people of Lower Canada to bow the knee to the same idol whom they worshipped all the six days of the week--whether they would force them to worship the almighty dollar on days which they regarded to be just as sacred as their Sabbath. Although the honorable member for Lambton was usually deemed the greatest fanatic, it had been reserved for the hon. member from Missisquoi to discover this mare's nest, and bring in this Bill after a lapse of five years.¹⁰⁴ Il ne voit pas pourquoi le membre pour Missisquoi n'y a pas songé avant aujourd'hui, à moins qu'il ne se soit trop occupé lors de la passation du bill de l'indemnité des pertes encourues en 1837.¹⁰⁵ He hoped it would be defeated. They should be very careful in obtruding a Lower Canada majority to carry an Upper Canada measure, and vice versa, and a matter of this sort, he thought, would be decided by a majority of votes from Lower Canada.¹⁰⁶

MR. MERRITT said the hon. member who spoke last, in talking of the intolerance of members from Upper Canada, reminded him very forcibly of a remark made by Knickerbocker in his famous history of New York. Knickerbocker said that the Puritans came out to America to enjoy liberty of conscience, and they extended that liberty of conscience to everybody that would think as they did. It was a parallel case when the hon. gentleman got up and talked of intolerance, because they objected to an Act which imposed on all observance of certain days, which a large portion of the population did not respect. The business season of the year here was short, and during that season they wanted to have the whole six days of the week to devote to business. If there was any intolerance in the matter, it was Catholics who were forcing their intolerance on the rest of the community.¹⁰⁷ (Hear, hear.) Such a law as was the subject of discussion, could only have been provided to retard the business operations of the country.¹⁰⁸

MR. MACKENZIE said he would not like to offend the religious feelings of any man in the House. There was nothing a man was more tenacious of than his religion. Even those, whom, no one watching their every-day course, would imagine they had a particle of religion in this world, if you began about their religion why you would find in a moment that you had a parcel of porcupines to deal witht (*sic*)--they would bristle up immediately.¹⁰⁹ Les propositions de l'Inspecteur-gén. rencontrent toutes les difficultés du cas. Mais le gouvernement n'en dit mot, la Chambre est dans une impasse par suite de l'incapacité de l'administration. Quant à ce qu'on a dit des idoles et de leur culte, il fait remarquer que dans son comté il y a 270 païens, et quelques centaines de personnes qui n'ont aucune religion spéciale. Ainsi si on voulait arranger la loi pour complaire à tout le monde, on trouverait assez à faire. Pour lui, il pense que lorsque les catholiques français et les protestants anglais se battent pour les Turcs mahométans, il est tems de mettre de côté les lois qui forcent les observances religieuses.¹¹⁰ In France, Napoleon reduced them to a reasonable number, and that was done by the Catholic Sovereign of a Catholic people, but in Canada we saw around us still the relics,--no, not the relics, but the living remnants of the old exploded systems of continental Europe.¹¹¹ The principle of the bill was a good one; but a principle might be good and yet not applicable to the particular circumstances of a country. The habits and character of a people must be studied; and then he would be a wise man who would know what to do.¹¹²

Hear, hear, ironically, and approvingly from MR. HINCKS.¹¹³

MR. INSP. GEN. CAYLEY hoped the hon. member would withdraw his bill, on the understanding that provision should be made for making notes fall due the day after holidays; and also for an arrangement if possible to keep the Custom House open. If the hon. member would not withdraw his bill, he (Mr. C.) would vote against it.¹¹⁴

MR. HARTMAN asked, if this question of holidays was to be taken up by Government, why the Government should not also take up the other question as to persons being employed (*sic*) in the public departments on Sundays, instead of leaving to a private member, the hon. member for Lambton to introduce a Bill on the subject?¹¹⁵

MR. COM. CR. LANDS MORIN said that this question of holidays was quite large enough for the Government to consider at present, without extending it further.¹¹⁶ [Il] n'est pas prêt à y répondre.¹¹⁷

MR. MARCHILDON was against the bill.¹¹⁸

MR. S. SMITH of Northumberland thought the member for Lo[t]biniere had taken very inconsistent grounds, in appealing to the Upper Canada members not to take ground against the majority of Lower Canada, when it was considered the other night, on the Clergy Reserves question, he (Mr. O'Farrell) went against the views of the great majority from Upper Canada. However, so far as he (Mr. S.) knew, the Upper Canadians with whom he generally voted were not disposed, on this occasion, to act upon the principle adopted by that hon. member on that occasion; they were not prepared to return evil for evil. In reference to a bill of the hon. member for Lambton, he (Mr. S.) must say that he was opposed to the despatch of mails and their distribution on Sunday. Holding these peculiar views, being opposed to what he regarded as a violation of the Sabbath, he could not vote for forcing the Lower Canadians to abstain from observing as holidays days which they regarded as quite as sacred as he did the Sabbath.¹¹⁹

MR. FOLEY votera contre le bill parce qu'il établit le principe de la connexion de l'église et de l'état, en sanctionnant l'observance forcée, et surtout en constatant le dro[i]t du pouvoir civil, d'appointer certains jours pour des actions générales de grâce.¹²⁰

MR. FERRES would withdraw his bill, being satisfied with the assurances of the government in the House, and a private conversation he had had with the hon. Commissioner of Crown Lands. He would, however, before doing so state that the hon. member for Montreal (Mr. Young) had just informed him that the Board of Trade of Montreal had petitioned to be relieved from the inconveniences caused by these holidays; and that a meeting of delegates of different Boards of Trade held at Quebec had also taken the subject up and demanded reform. He would repeat as he had at first stated that he had no religious feeling in this matter. We lived in a country where different religious beliefs prevailed, and to insure peace and harmony it was necessary for each to respect the creed of the other. If the religious element had been introduced in the debate, it was not by him (Mr. F.) and if he had said anything in his reply that had wounded the prejudices or the feelings of hon. gentlemen around him, he could only say that he had no intention to do so, and he regretted if he had done so.--(Hear, hear.) He asked leave to withdraw his bill.¹²¹

MR. O'FARRELL explained that, the other night, in opposing the Reserves bill he was not interfering with matters relating exclusively to Upper Canada, as there are Clergy Reserves in Lower Canada.¹²²

MR. LARWILL said "great oaks from little acorns spring"; but he would rather have had something more definite on the question. The whole mountain debate of that evening had not even brought forth a mouse. (Laughter.)¹²³

(247)

Ordered, That the said Order of the day be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to improve the mode of obtaining Evidence in cases of Controverted Elections, being read;

Mr. Mackenzie moved, seconded by Mr. Masson, and the Question being proposed, That the Bill be now read a second time;

MR. MACKENZIE moved the second reading of the bill to regulate the mode of taking evidence in contested election cases. He complained that the present system was in the last degree inconvenient, and did not tend to promote the ends of justice. Here they were after being in session nearly two months with 13 cases of contested elections to try, and they were only now just beginning to take evidence. Yet those gentlemen whose seats were contested were sitting and speaking and voting and nobody knew whether they had the right to do so or not.¹²⁴ Il cite des exemples où des personnes qui ont eu des réclamations contre des élections, ont subi des dépenses énormes, sans rien obtenir. Il parle surtout des cas des élections contestées pour Kamouraska et l'Islet dans le dernier parlement, dans chacune desquelles un comité a siégé pendant deux sessions sans en venir à aucune décision. Dans le parlement actuel il y a quatre ou cinq élections contestées, et il est à craindre que la même chose n'arrive. Ces délais viennent de la manière de procéder devant un comité de la Chambre, qui n'est constitué qu'après que la Chambre elle-même est assemblée, et qui est alors loin des lieux où se trouvent les témoins. De là il arrive qu'on est obligé de nommer des commissaires pour prendre les témoignages, et le procès traîne infailliblement en longueur, tandis que le membre qui siège sans peut-être en avoir le droit, vote pour des mesures importantes comme s'il était le véritable représentant du peuple. Pour empêcher ces inconvénients il propose que toute personne contestant une élection ait droit, immédiatement après le rapport de l'officier-rapporteur, de s'adresser au juge de son comté, et de se plaindre de l'illégalité de la nomination. Le juge devra, après avoir reçu un cautionnement, entendre les témoignages, et en faire un rapport à l'Orateur pour être par lui soumis au comité.¹²⁵ The Judge should have no power to decide the matter; and the evidence should be sent to the Clerk of the House at once, in order that the contest might be decided at the earliest possible period.¹²⁶ Le comité devra décider suivant la preuve contenue dans ce rapport.¹²⁷

MR. SOL. GEN. H. SMITH admitted that some reform was needed in the present law, but did not think the hon. member's bill was an improvement and it would be found perfectly impracticable.¹²⁸

MR. MCKERLIE opposed the bill, and as one of those who were petitioned against, defended himself from the imputations of Mr. MacKenzie.¹²⁹

MR. AT. GEN. J.A. MACDONALD objected to the bill, on the ground that it would increase the number of contested elections to a great extent. Before the heat of an election contest had passed away, disappointed candidates would be ready to rush on and give notice of a trial. Accusations of corruption and other unfair means, are often, at first hastily bandied; but, after a time, passion cools down, and the parties see that there is no real cause for contesting the election. This bill would cause the parties to serve the notice just after the contest was over, and great expense would be incurred to no purpose. If the judge was to be the judge of the relevancy of the evidence, the functions of the committee would be transferred to him. Either the judge must decide what evidence should be taken, or he must accept all that was offered. This would be an evil. In ninety-nine cases out of a hundred, the member returned as having the largest number of votes is confirmed in his seat. The county judge, before whom it was proposed to take the evidence, lives among the people and is one of them; he belongs to one political party or another, and would have feelings for one party and against the other. The same objection did not lie against the judges of the superior courts. A hundred notices

might be given of contests, on different grounds, and there might be a hundred trials. His principal objections to the bill were that it would induce contests in the heat of blood, immediately after the election; that it would hand over the privileges of Parliament to the county judge, and in nine cases out of ten, the evidence would be useless after it had been taken, and the election committee would declare it irrelevant.¹³⁰

MR. BROWN said, the Attorney-General spoke as if the trial would come on the day after the election. There was no necessity for this. The notice might not be given for fifteen days. The judge ought to take all sorts of evidence. The hon. Attorney General, had said, that the judge would not know what evidence to take; then how did the committee know? Then the hon. member had said, that ninety-nine out of a hundred members whose seats were contested, were declared the sitting members. That was an argument against the present system. If this bill had been in operation in 1844, it would have prevented the effects of partisan proceedings in the case of the Leeds and Montreal elections. These cases and that of the hon. member for Renfrew, and of Mr. Small in the Third Riding of York, showed that some change was necessary. The Attorney-General had said, that there might be any number of petitions, but there might be a day fixed, after which no petitions would be received.¹³¹

MR. HINCKS thought that a great evil was attempting too much legislation in one session, and that, for this session, parliament had enough before it without this bill.¹³² [He] would be very sorry to have the vote he was about to give misinterpreted. He was far from believing that the laws for regulating contested elections were not capable of improvement. He might be mistaken and impute improper motives to the hon. member for Haldimand; but it seem[ed] to him that the hon. member was more pleased when he lost his motion, than others were when they carried theirs.¹³³ He charged Mr. MacKenzie with making a system of bringing on crude and incomplete measures that nobody could support, even if they approved of the principles on which they were founded: and then when members voted against them he made it his business to try to misrepresent them before the country. That was the reason that made the honorable member so pleased when he lost a bill. With respect to the present system of trying contested elections, he (Mr. Hincks) thought it very faulty and ought to be changed; and that another session it was worth the consideration of the Government whether it would not be desirable to bring in a measure to ask the assistance of the Superior Courts to try election cases.¹³⁴

MR. SOL. GEN. H. SMITH rose to move that the bill be read this day six months; and he might say that a course would be taken that would satisfy the hon. member for Haldimand. The English Parliament, in consequence of the numerous cases of bribery, had altered the law for the trial of controverted elections. The Government would take the matter into consideration, and after examining the changes made in England see if some change of the present law cannot be advantageously proposed.¹³⁵

(247)

Mr. Solicitor General Smith moved in amendment to the Question, seconded by the Honorable Mr. Attorney General Macdonald, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. LANGTON at first was well disposed towards this bill from the belief that change was required--but was satisfied if a Committee had to decide on evidence, it also should take it.¹³⁶

DR. MASSON in seconding the motion for the second reading had reserved to himself the right to take his course after he should hear the debate, and he should now vote against the Bill.¹³⁷

MR. BELLINGHAM defended himself from imputations that he fancied were cast upon him by Mr. Mackenzie. He said that when to his surprise he was petitioned against, he at once caused, by advertisement in the different newspapers, a public meeting to be called, and offered at once to resign if the county did not consider him its proper representative. He had received for answer, that if he did resign, he would be considered a traitor to the county.¹³⁸

MR. MARCHILDON would vote for the second reading.¹³⁹

(247)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Crysler, Daly, Jean B. Daoust, Dionne, Egan, Felton, Ferres, Fournier, Hincks, Huot, Labelle, Langton, Laporte, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, McKerlie, Masson, Matheson, Meagher, Mongenais, Morin, Angus Morrison, Munro, Niles, O'Farrell, Patrick, Powell, Rankin, Solicitor General Ross, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Turcotte.--(56.)

NAYS.

Messieurs Aikins, Bourassa, Brown, Bureau, Cooke, DeWitt, Antoine A. Dorion, Ferrie, Flint, Frazer, Guévremont, Hartman, Holton, Jobin, Laberge, Roderick McDonald, Mackenzie, Marchildon, Papin, Poulin, Prévost, Valois, and Wright.--(23.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Then, on motion of the Honorable Mr. Chabot, seconded by the Honorable Mr. Morin,

The House adjourned until Monday next.¹⁴⁰

FOOTNOTES: 27 OCTOBER 1854.

1. GLOBE, 7 November 1854.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. LE PAYS, 3 November 1854.
15. GLOBE, 7 November 1854.
16. LE PAYS, 3 November 1854.
17. GLOBE, 7 November 1854.
18. TORONTO LEADER, 3 November 1854.
19. GLOBE, 7 November 1854.
20. LE PAYS, 3 November 1854.
21. GLOBE, 7 November 1854.
22. LE PAYS, 3 November 1854.
23. GLOBE, 7 November 1854.
24. LE PAYS, 3 November 1854.
25. GLOBE, 7 November 1854.
26. LE PAYS, 3 November 1854.
27. GLOBE, 7 November 1854.
28. TORONTO LEADER, 3 November 1854.
29. GLOBE, 7 November 1854. TORONTO LEADER, 3 November 1854, however, states:
"He concluded by moving that this bill be not now read but that it be read
this day six months."
30. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
31. IBID.
32. IBID.
33. GLOBE, 7 November 1854.
34. GLOBE, 7 November 1854. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook
Hansard) notes: "Mr. Brown simultaneously rose and seemed desirous to
speak, upon which a very inharmonious (sic) thumping of desks, &c., took
place. The Speaker remained in an erect position."
35. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
36. GLOBE, 7 November 1854.
37. IBID.
38. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
39. GLOBE, 7 November 1854.
40. IBID.
41. IBID.
42. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
43. GLOBE, 7 November 1854.
44. LE PAYS, 3 November 1854.
45. GLOBE, 7 November 1854.
46. IBID.

47. IBID.
48. IBID.
49. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
50. IBID.
51. GLOBE, 7 November 1854.
52. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
53. GLOBE, 7 November 1854.
54. LE PAYS, 3 November 1854.
55. TORONTO LEADER, 3 November 1854.
56. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
57. GLOBE, 7 November 1854.
58. LE PAYS, 3 November 1854.
59. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
60. LE PAYS, 3 November 1854.
61. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
62. LE PAYS, 3 November 1854.
63. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
64. LE PAYS, 3 November 1854.
65. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
66. LE PAYS, 3 November 1854.
67. TORONTO LEADER, 3 November 1854.
68. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
69. GLOBE, 7 November 1854.
70. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
71. LE PAYS, 3 November 1854.
72. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
73. GLOBE, 7 November 1854.
74. IBID.
75. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
76. GLOBE, 7 November 1854.
77. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
78. GLOBE, 7 November 1854.
79. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
80. LE PAYS, 3 November 1854.
81. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
82. IBID.
83. IBID.
84. IBID.
85. LE PAYS, 3 November 1854.
86. IBID.
87. IBID.
88. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
89. LE PAYS, 3 November 1854.
90. IBID.
91. IBID.
92. IBID.
93. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard) places this speech after Mr. Merritt's (Footnotes 107-108).
94. LE PAYS, 3 November 1854.
95. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
96. GLOBE, 7 November 1854.
97. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
98. GLOBE, 7 November 1854.

99. LE PAYS, 3 November 1854.
100. GLOBE, 7 November 1854.
101. TORONTO LEADER, 3 November 1854.
102. LE PAYS, 3 November 1854.
103. GLOBE, 7 November 1854.
104. IBID.
105. LE PAYS, 3 November 1854.
106. GLOBE, 7 November 1854.
107. IBID.
108. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
109. GLOBE, 7 November 1854.
110. LE PAYS, 3 November 1854.
111. GLOBE, 7 November 1854.
112. TORONTO LEADER, 3 November 1854.
113. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
114. IBID.
115. GLOBE, 7 November 1854. TORONTO LEADER, 3 November 1854, indicates:
"Mr. Hartman [enquired] whether the government intended to take any
steps to relieve persons in the public service from Sunday labor. Mr. C.
[Cayley] replied that the question would come up on Mr. Brown's bill."
116. GLOBE, 7 November 1854.
117. LE PAYS, 3 November 1854.
118. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
119. TORONTO LEADER, 3 November 1854.
120. LE PAYS, 3 November 1854.
121. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
122. TORONTO LEADER, 3 November 1854.
123. MONTREAL GAZETTE, 31 October 1854 (in Scrapbook Hansard).
124. MONTREAL GAZETTE, 31 October 1854.
125. LE PAYS, 3 November 1854.
126. TORONTO LEADER, 3 November 1854.
127. LE PAYS, 3 November 1854.
128. MONTREAL GAZETTE, 31 October 1854.
129. IBID.
130. TORONTO LEADER, 3 November 1854.
131. IBID.
132. MONTREAL GAZETTE, 31 October 1854.
133. TORONTO LEADER, 3 November 1854.
134. MONTREAL GAZETTE, 31 October 1854.
135. TORONTO LEADER, 3 November 1854.
136. MONTREAL GAZETTE, 31 October 1854.
137. TORONTO LEADER, 3 November 1854.
138. MONTREAL GAZETTE, 31 October 1854.
139. IBID.
140. Telegraph (MORNING CHRONICLE, 30 October 1854) reports that the House
adjourned at midnight.

MONDAY, 30 OCTOBER 1854.

(247)

MR. SPEAKER laid before the House,--Return from the Registrar of the County of Grenville, received in pursuance of the Order of this House of the 14th September last.

(248)

For the said Return see Appendix (Z.)

Also, Statement of the Affairs of the Hamilton and Gore Mechanics' Institute, from 22nd February to 30th September, 1854, received in pursuance of the Order of this House of the 14th September last.

For the said Statement, see Appendix (A.A.)

And also, Statement of the Real and Personal Estate held and enjoyed by the Temperance Reformation Society of the City of Toronto, on the 23rd October, 1854, which is as followeth:--

Temperance Hall Building,.....	£1500
Lot on which the Hall stands,.....	500
Furniture,.....	53

Two thousand and fifty-three pounds.....	£2053
--	-------

John M. Ross,
Secretary.

John Roaf, President.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Terrill,--The Petition of Levi Bigelow and others, on behalf of the Georgeville High School, and the Georgeville District School.

By Mr. Polette,--The Petition of A. Polette, Esquire, and others, Members of the Committee of the Three Rivers Academy.

By Mr. Flint,--The Petition of the Municipal Council of the County of Hastings; and the Petition of M.B. Roblin and others, of the Township of Sidney.

By Mr. Thibaudeau,--The Petition of the Reverend J.N. Guertin and others, of the Parish of Grondines, County of Portneuf.

By Mr. Masson,--The Petition of P.J. David and others, of St. Ignace du Coteau du Lac and other Parishes.

By the Honorable Mr. Young,--The Petition of Thomas Watson and others, Proprietors and holders of Stock in the Montreal and New York Railroad Company.

By Mr. Holton,--The Petition of Major General George A. Wetherall, and Charles Martin, Esquire, a Lieutenant of Her Majesty's 95th Regiment of Infantry.

By Mr. Wright,--The Petition of Daniel McDougall and others, of the Township of Vaughan, County of York.

By Mr. Bourassa,--The Petition of James O'Connor and others.

By Mr. Lemieux,--The Petition of Louis C. Lefrançois, Registrar of the County of Montmorency.

By Mr. Chapais,--Two Petitions of P. Pelletier and others, of the County of Kamouraska; and the Petition of P. Dumais and others, of the Parish of St. Louis and other places in the County of Kamouraska.

By the Honorable Mr. Hincks,--The Petition of Charles Berczy and others, Owners and Les[s]ees in the City of Toronto.

By Mr. Egan,--The Petition of the Corresponding Committee at Montreal of the Colonial Church and School Society.

By Mr. Murney,--The Petition of James Jamieson and others; the Petition of George Wheeler and others, of the Township of Hungerford; and the Petition of James Ketcheson and others, of the Township of Huntingdon.

By the Honorable Mr. Cameron,--The Petition of the Board of Trade of the City of Toronto; and the Petition of Frederick C. Capreol, of the City of Toronto.

By Mr. Daly,--The Petition of William Kyte and others, of the Township of North East Hope; the Petition of John McRae and others, workers on the Gravel

(249)

Road west of Stratford, County of Perth; and the Petition of the Reverend Daniel Allan and others, of the Township of Stratford, County of Kent.

By Mr. Foley,--The Petition of the Municipality of the Township of Wellesley.

By Mr. Alleyn,--The Petition of François Lapointe and others, practising Pilots for the Port of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of Mrs. F.X. Roy and other Directresses of the Asylum of the Good Shepherd at Quebec; praying for aid in behalf of that Institution.

Of James Reed, of the Township of Inverness, County of Megantic, Surgeon and Physician; praying to be indemnified for his loss of time and expenses incurred in attending last Session to give evidence before a Contested Election Committee of the House.

Of Thomas Empey and others, of the Township of Thurlow; of the Municipality of the Township of Pelham; of the Reverend J. St. Aubin and others, of Clarenceville; of A.R. Harris and others, of the West Riding of the County of Missisquoi; of Cornwall Division, No. 91, of the Order of the Sons of Temperance; of Henry Williams and others, of the Town of Bytown; of A. Scott and others, of the Town of Bytown; of John Gowans and others, of Jarvis, and its vicinity; of Joseph Lemon and others, of the Village of Jarvis, and its vicinity; of Mary Ann Holehouse and others, of the Township of Blenheim, and others; of Timothy Malowny and others, of the Township of McGillivray; of J.M. Grover and others, of the Village of Colborne and vicinity; and of Gilbert Weller and others, of the Township of Cramahe; praying for the passing of a Prohibitory Liquor Law.

Of the Municipality of the Township of Pelham; praying for the secularization of the Clergy Reserves.

Of the Trustees of the Diocesan School at St. Johns, Lower Canada; praying for aid.

Of A.L. Taylor, of the West Riding of the County of Missisquoi; praying that the two electoral Ridings of the said County may be erected into separate Counties for all County purposes.

Of N.M. Blinn and others, of the Township of Stanbridge; praying for aid in behalf of the Stanbridge Academy Association.

Of Henry McCarthy and others, of Sutton and other Townships; praying to be set apart as a separate County, under the name of the County of Brome.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying for certain amendments to the Act 16 Vic. to extend the Elective Franchise, and better to define the Qualification of Voters in certain Electoral divisions, by providing a system for the registration of Voters.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying that the Act incorporating the Great Western Railway Company may be so amended as to secure the right of voting in the management thereof to Municipalities holding Stock therein.

Of G.W. Ross and others, of the County of Renfrew; praying for the passing of an Act making all losses sustained by the burning of any building belonging to any Church, Sect or Society, by the act of an Incendiary, or through the violence of a Mob, chargeable on the County or Municipality where such outrage may be committed.

Of John Kane and others, of the County of Chicoutimi; praying aid for the improvement of the Sydenham Road, for the building of Bridges over the Rivers à Marse and Valin, and for the construction of a wharf in Ha Ha Bay, and another in the River Saguenay, within the limits of the Village of Chicoutimi.

Of Hugh Allan and others; praying for an Act of Incorporation under the name of the Montreal Ocean Steamship Company.

(250)

Of J.E. Chalut and others, of the Parish of St. Gabriel de Brandon, County of Berthier; praying aid for the construction of a Road from the said Parish to the Village of Berthier.

Of Robert Cameron and others, of the Township of East Nissouri, County of Oxford; praying for certain amendments to the Upper Canada Municipal Corporations Act.

Of John Hackett and others, School Commissioners of the Municipality of Chambly; praying for aid to enable them to meet their engagements as such School Commissioners.

Of the Reverend Richard Mills and others, of Cowansville and vicinity, County of Missisquoi; praying aid for a School for young females at that place.

Of Ferdinand Perrin, of the City of Montreal, merchant; complaining that the Montreal and New York Railroad Company have taken his lands for the purposes of the said Railroad, and that the Contractors on the part of said Company have refused to decide upon his claim, whereby he is deprived of compensation for his said land; and praying relief in the premises.

Of the Council of the Quebec Board of Trade; praying that the Bill to regulate the Pilotage for and below the Harbour of Quebec, may not pass into Law.

Of the Honorable E.P. Taché, Chairman of the Committee appointed for collecting subscriptions for the purpose of erecting Monuments in the Canadas on different Battle grounds of the last War with the United States; praying for aid in behalf of said Committee.

Of the Municipal Council of the United Counties of York, Ontario and Peel; praying for certain amendments to the Municipal Corporations Act, to the Common School Act, and to the system of granting Tavern Licenses.

Of William Wright and others, of the City of Quebec; complaining of the conduct and incompetency of John Maguire, Esquire, Inspector and Superintendent of Police for the said City; and praying for an enquiry in the premises, in order to his dismissal from the said office.

Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, relating to the Great Western Railway Company; and the Petition of John Keairns and others, of the County of Huntingdon, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of Mrs. Brigitte Gosselin, of the City of Quebec, widow of the Late Augustin Laperrière; and the Petition of James Reed, of the Township of Inverness, County of Megantic, Surgeon and Physician, be referred to the Standing Committee on Contingencies.

Ordered, That the Petition of A.F. Holmes, M.D., and others, Physicians practising in the City of Montreal; the Petition of James Mason and others

residing on the proposed line of the Montreal and Kingston Railway; the Petition of the Municipal Council of the United Counties of York, Ontario and Peel; the Petition of the Municipal Council of the County of Grey; and the Petition of the Council of the Quebec Bo[r]d of Trade, be printed for the use of the Members of this House.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have taken the Petition of the Clerks and Servants of Your Honorable House, which was referred to them, into their consideration, and beg to report, that under the increasing and varied duties to be performed by the Officers and Servants of the House, in consequence of the enlarged Repre-

(251)

sentation, it is expedient that the several Departments and permanent Officers be re-organized, and the Salaries attached to each of the said Officers and Servants be permanently fixed.

That the following do constitute the several Departments of the House, viz:--Chief Department; Law Department; General Department; General Committee Department; Private Bill Department; Translators' Department; Journal Department; Library Department; Sergeant-at-Arms Department.

The CHIEF DEPARTMENT shall consist of:--

The Clerk.....	<u>William Burns Lindsay.</u>
Assistant Clerk.....	<u>George B. Faribault.</u>
Deputy Assistant Clerk.....	<u>William Ross.</u>
Accountant.....	<u>Thomas Vaux.</u>

The LAW DEPARTMENT shall consist of:--

The Law Clerk.....	<u>Gustavus W. Wicksteed.</u>
The Assistant Law Clerk.....	<u>William B. Lindsay, Junior,</u> performing also the duty of English Translator.

The GENERAL DEPARTMENT shall consist of:--

The Chief Officer Clerk.....	<u>William Poyntz Patrick.</u>
Assistant Office Clerk.....	<u>Henry Hartney.</u>
Routine and Record Clerk.....	<u>William Spink.</u>
English Writing Clerk.....	<u>Henry B. Stuart.</u>
French Writing Clerk.....	<u>Edouard Dénéchaud.</u>
Assistant French Writing Clerk.....	<u>F.X. Blanchet.</u>
Junior Clerk.....	<u>William B. Ross.</u>
Assistant English Writing Clerk.....	<u>Charles Langevin.</u>
Junior Clerk.....	<u>Herrman Poetter.</u>

The GENERAL COMMITTEE DEPARTMENT shall consist of:--

The Chief Clerk of Committees, and of	
Controverted Elections.....	<u>Alfred Patrick.</u>
First Assistant Clerk of Committees.....	<u>J.P. Leprohon.</u>
Second Assistant Clerk of Committees....	<u>William C. Burrage.</u>

The PRIVATE BILL DEPARTMENT shall consist of:--

The Clerk of the Private Bill Office.....	<u>Alfred Todd.</u>
Assistant Clerk of the Private Bill Office, and Clerk of the Railway Committee.....	<u>Thaddeus Patrick.</u>

The TRANSLATORS' DEPARTMENT shall consist of:--

The English Translator--duty attached to Assistant Law Clerk.

The French Translator.....	<u>G. Levesque.</u>
Assistant French Translator.....	<u>D.P. Myrand.</u>
do do do	<u>William Fanning.</u>
do do do	<u>A.G. Lajoie.</u>
Assistant English Translator.....	<u>Frank Badgley.</u>
Extra do do	<u>W. Wilson.</u>

The JOURNAL DEPARTMENT shall consist of:--

The English Journal Clerk.....	<u>George M. Muir.</u>
French Journal Clerk.....	<u>Pierre E. Gagnon.</u>
Assistant English do.....	<u>King Barton.</u>
Assistant French do	<u>Wm. H. Lemoine.</u>

The LIBRARY DEPARTMENT shall consist of:--

The Librarian.....	<u>Wm. Winder.</u>
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(252)

Assistant Librarian.....	<u>Alpheus Todd.</u>
Library Keeper.....	<u>James Curran.</u>

The SERJEANT-AT-ARMS DEPARTMENT shall consist of:--

The Serjeant-at-Arms.....	<u>Donald W. McDonell.</u>
Chief Messenger and Housekeeper.....	<u>A. Leroux dit Cardinal.</u>
Assistant Messenger.....	<u>Michael McCarthy.</u>
do do	<u>Olivier Vincent.</u>
Door Keeper.....	<u>John O'Connor.</u>
Assistant Door Keeper.....	<u>John Cameron.</u>
and the Messengers.	

POST OFFICE.

Post Master.....	<u>Robert Defries.</u>
Assistant Post Master.....	<u>Joseph Blais.</u>

And that the Salaries of the Clerk, Assistant Clerk, Deputy Assistant Clerk, and the Chief Office Clerk, shall be and remain the same as established by the Resolution of the House in 1846.

That the Salary of the Law Clerk shall be Five hundred pounds, per annum.

That the Salaries of the Accountant; the Assistant Law Clerk and English Translator; the Assistant Office Clerk; the Chief Clerk of Committees and Controverted Elections; the Clerk of the Private Bill Office; the French Translator; the English Journal Clerk; the French Journal Clerk; and the Assistant Librarian, shall be Three hundred pounds, per annum.

That the Salaries of the Clerk of Routine and Records; the First Assistant Clerk of Committees; the Assistant Clerk of the Private Bill Office, and Clerk of the Railway Committee; each Assistant French Translator; each Assistant Journal Clerk; the Librarian; and the Serjeant-at-Arms, shall be Two hundred and fifty pounds, per annum.

That the Salaries of the English and French Writing Clerks; the Second Assistant Clerk of Committees; the Assistant English Translator, and the Chief Messenger and House Keeper, shall be Two hundred pounds, per annum.

That the Salaries of the Assistant English and the Assistant French Writing Clerks; the Junior Clerks; and the Extra Assistant English Translator, shall be One Hundred and fifty pounds per annum.

That the Salary of the Library Keeper; and each of the two Assistant Messengers shall be One hundred and fifty pounds, per annum.

That the Salary of the Postmaster, shall be One hundred and twenty-five pounds, per annum.

That the Salaries of the Door-keeper, and of the Assistant Door-keeper, shall be One hundred and fifty pounds, per annum.

That the Salary, or Allowance, of the Assistant Postmaster, shall be Ten shillings, per diem, during the Sessions of the Legislature, and Six shillings and three pence, per diem, during the Recess.

That the Allowance to the Messengers of the House, and the various Departments, shall be Ten shillings, per diem, during the Sessions.

That such portions of the above Salaries not otherwise provided for, shall be payable out of the Contingencies of this House, and be a charge thereon, and shall commence and take effect, as to the Salaried Officers and Messengers, from the commencement of the current year, and all others from the date of the adoption of this Report by the House.

That, in future, no Officer, Clerk or Messenger, whose Salary or Allowance is established as above, shall, under any pretence whatsoever, receive any allowance or remuneration for service rendered this House, other than the salary pertaining to the office of the Department to which he is attached.

(253)

That each and every Officer of the House shall, nevertheless, perform any duty required of him by the Clerk, Assistant Clerk, Deputy Assistant Clerk, or Chiefs of any of their several Departments.

That the Serjeant-at-Arms shall fill any vacancy in his Department, with the approval of the Speaker.

That in order to secure a strict supervision over the expenditure of Your Honorable House, Your Committee are of opinion that the Serjeant-at-Arms should have charge and supervision over his Department, and over the incidental expenses connected therewith; the fuel, furnishing, and lighting the House and the Offices; and adopting means for the purchase of supplies in his Department at the lowest possible price. And that the Accountant pay the orders of the Serjeant-at-Arms for expenses incurred by him, and render a separate account of Contingent Expenses of that Department.

Ordered, That the said Report be taken into consideration on Monday next.

Ordered, That the said Report be printed for the use of the Members of this House.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to enable the Reverend William Ritchie to sell and convey or demise certain Lands held by him in trust, and have agreed to report the same without any amendment.

They have also examined the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, and have agreed to an amendment, which they beg to submit for the consideration of Your Honorable House.

Your Committee have also had under their consideration the Bill to incorporate the Megantic Mining Company, and the Bill to incorporate the Quebec and St. Francis Mining and Exploring Company, but have deferred reporting upon these Bills for the present, preferring to recommend to Your Honorable House such an amendment of the Acts which provide for the formation of Joint Stock Companies for Manufacturing, Mining and other purposes, as would enable these

two Companies to become incorporated under the provisions of the same. Your Committee have accordingly instructed their Chairman to prepare a Bill amending these Acts in certain particulars, and to obtain leave from Your Honorable House to introduce the same in the usual way.

Ordered, That the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill to enable the Reverend William Ritchie to sell and convey or demise certain Lands held by him in trust, be committed to a Committee of the whole House, for Thursday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to incorporate the Upper Canada Bible Society.

MR. J. MORRISON (Niagara) introduced a bill to incorporate the Bible Society of Upper Canada.¹

MR. TURCOTTE wished to know if the Bill was introduced with the consent of the honorable member for Lambton.²

MR. BROWN said he was a member of the Bible Society, and esteemed it above all other societies, but he had opposed this bill as strongly as he could in last parliament, and would do so again. (Hear, hear.)³

(253)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to incorporate the Upper Canada Religious Tract and Book Society.

(254)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. McCann have leave to bring in a Bill to amend the Act 16 Vic. cap. 183, intituled, "An Act to provide for the recovery of the rates and taxes intended to be imposed by certain By-Laws of the late District Councils in Upper Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Loranger have leave to bring in a Bill to regulate the proceedings on forced Licitations and to give them the effect of Sheriff's Sales (Décrêts.)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Felton have leave to bring in a Bill to amend the Act 4 & 5 Vic. cap. 27, consolidating the Laws relative to Offences against the person.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Egan have leave to bring in a Bill to incorporate the Corresponding Committee at Montreal of the Colonial Church and School Society.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Polette, Mr. Laberge, and Mr. Loranger, be added to the Select Committee appointed to inquire concerning the operation of the Registry Ordinances or Laws.

Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Act 14 & 15 Vic. cap. 96, to facilitate the performance of the duties of Justices of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. PROV. SEC. CHAUVEAU moved to appoint a committee to enquire into the best mode of promoting the fine arts. Encouragement had been given to agricultural and commercial pursuits and he was therefore desirous that means should be adopted by giving prizes and establishing a museum, or in some other way, for encouraging the development of a taste for the fine arts in this Province.⁴

(254)

Resolved, That a Select Committee, composed of the Honorable Mr. Chauveau, the Honorable Mr. Cameron, the Honorable Mr. Young, the Honorable John Sandfield Macdonald, Mr. Taché, Mr. Rhodes, and Mr. Laberge, be appointed to inquire into and report on the best means of promoting the cultivation of the Fine Arts in this Province; with power to send for persons, papers, and records.

On motion of Mr. Ferres, seconded by the Honorable Mr. Young,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that the proper Officer be directed to communicate to this House, whether the Contract of McKean, McLarty and Company has been fulfilled as to the following particulars, viz:--Whether the Line consists of five Screw Steamers of the first class, being each not less than 1200 tons burthen, and 300 horse power, 230 feet keel, breadth, 34 feet? Whether their draft of water, after consumption of fuel and landing of freight at Quebec, as specified in the Contract, was 11 feet? Whether the price of freight demanded for fine goods has exceeded 60s.? Whether the time outwards of any or all of the said Steamers has exceeded 14 days yearly average, and the time homewards 13 days? Whether

(255)

the said Steamers or any of them have proceeded to Montreal, and do now proceed to Montreal, as stipulated in the said Contract?

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Papin have leave to bring in a Bill to amend the Act incorporating the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of Montreal and St. Hyacinthe.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Somerville, seconded by Mr. Macbeth,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he would be pleased to cause to be laid before this House, Copies of the two last Reports of Mr. Bruce, Inspector of Schools for the City and District of Montreal.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Order of the day for the second reading of the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the Mutation of Lands held en roture in Lower Canada, being read;

MR. AT. GEN. DRUMMOND said: He did not rise to detain the house for any length of time in discussing the second reading of this measure. He need not say that it was one of vast importance and it had been most fully discussed, not only in the Parliament of this country, but throughout the country from one end to the other, especially since the new impulse was given to the subject by the bill he had the honor to lay before the house of Parliament when it was sitting in Toronto, in 1854. The obstacles which had sprung up in the way of improving the hardships, which the censitaires have labored under had been the constant theme of discussion for years,⁵ not only in this House but also throughout the country; not only last year, since he (Mr. D.) introduced this bill; but thirty years ago. As early as the commencement of his public career, his hon. friend (Mr. Morin) had introduced a measure on the subject. There seemed to be great difficulty in framing any measure to effect a settlement⁶. There had been unwarrantable obstacles (sic) in the way of any attempt being made to lay down the best principles upon which the present tenure in course of time be got rid of, and the difficulty had arisen from this fact that these Seigniorial rights are in seven instances out of ten, pledged by the Seigniors to creditors, as the only material guarantee that the Seignior has to give to a creditor for the payment of his debts. The great difficulty in attempting to change the nature of the tenure was that of protecting and observing the rights of third parties. It was not however until the measure was laid upon the table of the House in Toronto, that it was brought forward in a practical form to get rid of the tenure and to protect the rights of all parties. But they had by common consent succeeded in overcoming this difficulty. The other difficulty which had to be overcome although they did not appear to be of so formidable a nature at first, have turned out to be much more formidable because that they consisted of details involved in discussions upon which it was almost impossible to obtain universal assent; even the assent of the majority of men of any legislative body. However such point of difference had been reduced to two or three essential elements. The general principles of the bill, last proposed in the House of Assembly, and afterwards carried by a large majority of the House, were approved by a large portion of those who then represented the censitaires, and were also approved of by many of the Seigniors. The last measure which was brought up before the House, did not recognize the principle of "compulsory commutation"; the principal object of that bill, was to leave it optional with the censitaires in each Seigniori to require commutation

or not, and to commute when he pleased to do so, the Seigniors having their right protected by that bill. Another principle of that bill was that that portion of the ancient law with regard to "cens et rentes" was recognized. In looking back to the earliest period it appeared clear, that the Seigniors were only entitled to change what was the general or accustomed rate of rank, and there was not to be found a single [case] in those times in which more than two sous per arpent, was charged. He (Mr. D.'s) principal object in making this explanation was, to convince hon. members for Upper Canada that the present bill was just and right, and to assure hon. members for Lower Canada, that it was as liberal a measure as could be proposed by any ministry consistently with those principles of right and justice, and that respect for the rights of persons, which he trusted that no government in this country might ever fail to shew. It might appear strange to some hon. gentlemen from Upper Canada, that after a man has agreed to pay a certain amount of annual ground rent for a lot of ground which he holds from another, that the Legislature should come in, and interfere as between the holder and the owner of the property and declare that the holder rent is two (sic) high and that the person granting that land must not longer compel the grantee to pay him so high rent. If our holding here, could be assimilated to the Anglo Saxon law of holding lands, namely, in free and common soccage, it would be monstrous (sic) for the Legislature to interfere, but was he to convince hon. gentlemen that the lands which were granted to the Seigniors by the Crown of France before the time of the cession of Canada to England, were not given for the benefit of the Seigniors but for the purpose of enabling these Seigniors, to colonize this country, and to place the inhabitants upon the lands in order to cultivate them; and the Seigniors were compelled not to enforce a higher rent than two sous, or one penny per acre for such lands. Then, hon gentlemen must consider, that the principle of this bill, so far as the reduction of rent goes are just as to the propriety of the Legislature interferring (sic) to reduce the rent. But the Seigniorial or Federal Tenure had never been in this country that which it was in France. Seigniors were never allowed to have in this country, nor was it the intention of the French King that they should have any such rights as the Seignior[s] in France had a right to exercise and which they did exercise. At the time when these benevolent ordinances were passed by the Crown of France, the power of Seigniors had been almost annihilated (sic). It must be remembered, that after these Seigniors had been reduced, and their bold power crushed by the King of France, aided by the people of France, (for the King always fell back for and upon the people, and the aristocracy stood alone, forming a striking contrast with the people of England, where the aristocracy fell back for aid upon the people, and brought them forth to resist the encroachments of the King) and at the time when the King of France resolved to colonize this country, these Seigniors could no longer put forth those bold pretensions which they had put forth for centuries previous to that time. Everything relating to the settlement of the lands of this country was conceded in Acts of Benevolence to the people of this country. The King of France had no idea of establishing an aristocracy here. Their object was to send out true and faithful persons to place them here in the position of trustees for Crown Lands agents, not only to settle the lands in the country but to enable these men to derive a certain profit from the labor and trouble they were put to in selling the lands--winding matters in this light. Hon. gentlemen would see the difference of holding lands in free and common socage, and that of the Seigniors securing lands from the Sovereign himself, under the condition that he the Seignior would place

the people upon them, and not cultivate the lands himself, allowing the Seignior to receive only a certain amount of benefit from the operation of this system.⁷ There were two arrets on the subject. One of them was issued in consequence of complaints made to the King that some of the Seigniors--that certain Seigniors,⁸ who had this way obtained land, had refused to grant them to the people upon moderate rents, but had taken upon themselves to sell these lands and thereafter it was asserted at the time that the Seigniors were prepared to impose such heavy rents upon these lands that the people would not take the lands. The King, the only legislative power at the time in France, declared, that in future no Seignior should exact more than two sous for every superficial acre of land granted and one sou for every other arpent in front, and that should the Seignior refuse to concede upon those terms, the power was to be taken out of the Seigniors hands. Thus shewing that those lands were still considered to be vested in the Crown, and that the Seignior merely held those lands for the Crown upon certain conditions. The Governor or Intendant, was the official authorized to take back the land from the Seignior in the event of this over exaction occur[r]ing. But it might be asked, why was it that this power conferred upon the Governor or Intendant was not enforced, and why is it that you have to come to the Legislature now, to enforce this power? Why it arose from the neglect of this duty upon the part of the Intendant. There were certain important judicial power[s] exercised by the Intendant. He possessed judicial power in addition to exercising the duties which are now performed by the Attorney General, and which the Intendant could exercise alone. Well, the framers of the first law passed after the time of the cession thought that they had accomplished their duty in transferring all the judicial duties which could be exercised by the Intendant, and conferring them upon the Court of King's Bench, and they did not prevent the enactments on the part of the Seignior or compel him to concede upon terms signed by law. The Seigniors had been induced to increase their rent, and the Courts of Justice were applied to but they declared that they had no power to act, and although a Legislature was sitting in Canada at the time, no attempt was made to stop the Seignior until the Hon. Commissioner for Crown Lands in the year 1824 who brought in a bill to remedy this evil by giving to the Courts of Justice that power which the Intendant previously had. His bill was carried through the Lower House, but the Seigniorial influence was so strong in the Upper House that the bill was thrown out and nothing further was done. Under these circumstances the Courts of Justice finding themselves in a position not to be able to correct the actions which the Seigniors had committed and finding that they were deprived of the power of preventing the tyrannical acts of the Seignior upon the Censitaires he (Mr. D.) considered it to be the business of the Legislature of the country to declare that the Censitaires are not obliged to pay anything more than what were the accustomed rents at the time that the arret Marly became law. (Hear, hear.) But there must be some difference in opinion as to what these accustomed rents may be, and it would be necessary to obtain all the documents that could be collected for this purpose, and from these documents which bore the earliest date it appeared that no rent was ever stipulated to be paid in money except for small lots of land. No grant of land could be found made at a higher rate than two sous per acre, but it was optional with the Seignior to stipulate for the rent to be paid in wheat as well as in money. In the district of Montreal a great portion of the seignories stipulated for a large portion of their rent to be made payable in wheat. But in the districts of Three Rivers and Quebec, where the rents were always lower than in Montreal, few of the rents were paid in wheat. Therefore the question became involved in doubt in consequence of the

Courts of Justice not being enabled to define these rights of paying in wheat or money, but he (Mr. D.) thought, that the amount of these doubtful rights should be paid for by the country and the Censitaires should be discharged from banality. (Hear, hear.) It was better that an error be made in favor of the Censitaire than any one else. (Hear, hear.) He (Mr. Drummond) had therefore in order to prevent doing injustice to the people of Three Rivers and Quebec, come to the conclusion, with the consent of his colleagues to propose in his present measure, that the rights of the Censitaire throughout the whole country, should be reduced to two sous, instead of four. The justice of this was refuted by a convention which sat in Montreal to take this great question into consideration and which consisted of men of experience. The Censitaires and conventions that were held at Three Rivers and Quebec however, had a different opinion, and⁹ in consideration of the action of the Anti-Seigniorial Tenure Convention of Montreal¹⁰ the argument in favor of reduction was so strong that he (Mr. D.) no longer felt any hesitation in bringing forward the proposition that he had just stated, which he felt great gratification in laying before the House, and trusted that it would meet with the approbation of a great majority of the people of this country. It was true that many advantages were presented to the people of a new country in the facility with which they can obtain land¹¹. It has been convenient that the settler in a new country should be enabled to say to the Seignior, "you have been entrusted with these lands for settlement; I have selected such or such a portion of them, and am ready to pay the fixed nominal rent;" although this system answered very well in the settlement of the country, it was not desirable to perpetuate it.¹² He (Mr. D.) thought it to be important, that the system which had prevailed of the Censitaire paying his rent in the produce of the land, should not be continued. It was desirable that an end should be put to the system as soon as possible, and that the Crown should be empowered to take back all these unconceded lands giving to the Seignior an equivalent for his rights in them and this equivale[n]t, he (Mr. D.) would propose to give in the shape of lands, not money. The Commissioners to be appointed under this bill would have to value those lands, and the Commissioner of Crown Lands, upon the report of the Seigniorial Tenure Commissioner, will cause Letter Patent to be issued to the Seignior, for a sufficient extent of these lands to cover the whole value of his rights in the other lands. (Hear, hear.) --By adopting this course he (Mr. D.) had freed himself from the embarrassment which had arisen from the system that was proposed by the former bill, brought into that House, which was that the Seignior should be entitled to charge a certain maximum of rent, and should make all his grants in future in free and common socage. The fixing of that maximum rent was obviously a matter which gave rise to great difficulty, for the maximum of rent that would be suitable in one part of the country would not be in another. He (Mr. D.) was opposed to any arbitrary rule of the kind where the rights of property are to be dealt with. However, by the new arrangement that he had made, these and other difficulties were to be got rid of which arose out of the mode of granting these lands. The Crown takes the lands from the Seigniors, and in return gives them such a portion of the lands as are equivalent to the Seignior's rights therein, and at the same time the object which the Crown of France had in view would by this arrangement be attained. The balance of the lands would go to increase the Seigniorial fund, and in fact would go to diminish the charges upon the consolidated fund, and the amount of indemnity money to be taken therefrom, to pay to the Seigniors.

The hon. gentleman then alluded to the clause 4 where the Crown is substituted for Seignior as regards the union of lands to the Domain for non-settlement, and he then went on to say that--

As the right to facilitate the re-union of lands abandoned by the Censitaires was to be exercised by the Crown, he (Mr. D.) thought that he would not burthen the bill by a clause that was found in the old bill relative to that right, but he had inserted a clause to this effect in another bill which he intended shortly to bring before the House.

One of the most objectionable rights which could be claimed by the Seignior, and which could not be disputed, because it formed a part of the Seigniorial laws of France, which was transferred to Canada while under the dominion of France, was a right that weighed heavily upon the Censitaire, namely, the power which the Seignior had to demand lods et ventes upon every sale that was made in the Seignior, and the consequence was that it prevented the improvement of property, and threw upon the party who improved it a very heavy burthen. There was no doubt that the Seignior had the equal right to claim to the extent of one twelfth of the land and improvements made upon it. In early times when property seldom changed hands, this claim was not much felt, but ever since the introduction of the commercial element into this country it had been felt to be a great grievance in the Seigniorial Tenure. Now, he (Mr. D.) proposed in the bill before the House, entirely to do away with lods et ventes and commutation fines. Instead of these the Censitaire would have to pay the amount of the commutation price, and free his land forever from Seigniorial rights over it.

Another Seigniorial right which was claimed by Seigniors and maintained, but which he (Mr. D.) believed arose out of an usurpation of right upon the part of the Seigniors, was their right over rivers and streams which they regarded as belonging to them, although these rights had been combatted by some recent writers upon the subject. The consequences arising from all the water power in the country being in the hands of only about one hundred or two hundred persons, was a system very much to be deprecated and it would be most evident to members from Upper Canada, who knew the advantage that water power had been of to that section of the Province. New England likewise owed her wealth and prosperity to the same source, but the people of Lower Canada had been deprived of this grand advantage by reason of the Seigniors having held the water powers of the country in their hands for so many years. Moreover, their possession thereof had been sustained from time to time by the Courts of Justice, but he (Mr. D.) thought that the decisions that had been rendered by such Courts were incorrect. By this bill he (Mr. D.) proposed to remove all these obstructions to the welfare of Lower Canada. Every man should be entitled to make use of a stream running through his property, whether he was stipulated to the reverse thereof or not. Hon. gentlemen must not be alarmed at the government thus doing away with what might appear to be a solemn covenant. But it was one that had been entered into against the public law, although he (Mr. D.) was not in that House to set himself up in opposition to the decisions of the land. But he did say that it was for the interest of the country, that we should relieve the Censitaire from these shackles and that the water powers to him should be left open for his use.

Another objection which arose out of lods et ventes was the right of re-trait. He must, however, admit, to the credit of the Seigniors of Canada, that very few of them have availed themselves of the privileges relating thereto, although some Seigniors had done so and had oppressed the Censitaires.¹³ In pursuance of this right, the Seigniors have been enabled to get back the land

in all cases where a party had made an advantageous purchase, at sheriff's sale or otherwise. No one would go to the trouble of saving up money to purchase land which might be taken from him in seven or eight days.¹⁴ By this Bill the right of the Seigneur was done away with. If these mutation fines were done away with the right of retrait would also be. The principle of the law of commutation was that the Seigneur (sic) can never in any instance compel the censitaire to commute, but any censitaire who wishes, may get rid of the Seigniorial Tenure, by giving to the party who very represent the Receiver General, the commutation money fixed, and even before this statement is made the censitaire would be able to free himself from all Seigniorial rights too, by tendering the capital of the rent due upon his property preserving to the Seigneur (sic) the right to recover the balance. The censitaire would not only be able to do this, but he would be enabled to free himself from Seigniorial right by declaring that it is his wish that these Seigniorial rights shall be changed into constituted right, namely, that of charging a ground rent redeemable at his (the censitaire's) option. A petition would according[ly] be sent to the Executive by those censitaires who wish to do this and the Executive ascertains whether this is the fact, and as soon as their report is made, the Provincial Secretary would put a notice in the Provincial Gazette declaring, that all Seigniorial rights in such a Seignory have been done away with and commuted forever. It might be objected, that he (Mr. D.) had not made this commutation compulsory upon the Seigniorial as well as upon the censitaire, but he (Mr. D.) did not think that he would be the friend of the people if he were to compel the censitaire to commute when he had no wish to do so (hear! hear!) As to the rent being made payable, it did not matter in what number of years it was paid, for when the time of payment did arrive, the censitaire would be as unprepared to make it as he was that day, and a large majority, of the lands in the Seignory which would be so commuted would pass into the hands of the Seigniorial before long (hear. hear.) The present administration did not look upon this subject he had just alluded to as a ministerial question. Some of the members of the late administration would have prefer[r]ed that a specific time be named for the commutation to take place, but he (Mr. D) thought that the censitaire would never be prepared for any such change.¹⁵

MR. A. DORION (Montreal.) Wanted to know if hon. members were to understand that this measure is not a ministerial one.¹⁶

MR. AT. GEN. DRUMMOND.--Was much surprised at the hon. gentleman's interpretation of what he (Mr D) had said. He would inform him most distinctly that the present government were prepared to do what was done before. He (Mr D) would vote against the time for commutation being named.¹⁷ It might be objected that he (Mr. D.) did not make commutation compulsory on the censitaires as well as on the Seigniors. He believed that by doing so he would not be serving the people; the Seigniors were not prepared for such a measure, and if it were provided by law that there should be a time when all the Seigniorial rights should be commuted, the effect would be that a large part of the lands would stick to the hands of the Seigniors. This might not generally occur; but if it did in one Seignory he (Mr. D.) should never forgive himself for having been a party to it. Perhaps some of his colleagues would have preferred to set a time when all those Seigniorial dues should be commuted. He knew that some of his colleagues in the late ministry were of that opinion; but perhaps they did not know so well as he did the feelings and habits of the Seigniors. He had lived among them, and knew them well. What harm was to result from the

censitaires continuing to sit under a rent whenever they thought proper to do so.¹⁸ If the censitaire was not disposed to pay the rent, why should the Legislature compel him to pay the capital of the rent. Nobody will have to pay mutation fines upon property sold because this Bill declared that the Seignior shall have no right to a mark of distinction by reason of his being a Seignior, every other objectionable feature of the system had been swept away. The measure which he presented is based upon more strictly popular principles by far than that which would oblige the censitaires (sic) to commute, whether they will or not. The Seigniors should have a recourse to Courts of Justice for their indemnity and their claims should be laid before Commissioners or Cadastre, and will be decided upon by the commissioners. But in order to prevent the delay which would arise out of the reference of every claim, and to obviate the difficulties which would arise in the minds of the Commissioners, as to deciding certain abstruse points of law, he (Mr. D.) proposed to adopt this novel method of action:--That immediately after the passing of the Bill, the Attorney General and Solicitor General of Lower Canada shall draw up a series of questions to be proposed to the Judges of the Queen's Bench, and these questions should be lodged in Court and published by authority in the Official Gazette, and during the month after the expiration of that time, the Seignior or any other person, will have the right to draw up questions of law, which shall also be submitted to the Court of Queen's Bench for their decision. It was proposed that the amount of indemnity to be awarded shall be paid out of the Consolidated Revenue Fund. Certain local monies arising from Lower Canadian resources are set apart and kept in a special account, the intention being to give to U. Canada an excess over that fund which it might be necessary to pay out for fully indemnifying the Seigniors. He would not enter fully into this question upon this occasion, as it was understood that the resolutions in relation to money should be postponed. After the second reading, and when the clauses relating to the indemnity had been gone through in Committee, it was his intention to move that the Committee rise and report progress and have leave to sit again to go into the money resolutions. He would not now detain the House any longer. He had shown the difference between the Bill of the present Administration and the last one, which was not generally understood throughout the country. Important amendments were made with regard to abolition of the lods et ventes, and yet the people of the country thought it had not been done. This bill, however, now before the House was a liberal one. It protects the Seignior in all his just rights. The Legislature would not deal finally with those rights, but they would be left to the Courts of Justice to adjust upon the soundest principles of law and equity. He would now conclude by moving that the bill be read a second time.¹⁹

MR. PAPIN fit les observations suivantes:

Je ne désire pas discuter le bill actuellement devant le Chambre dans ses détails, vu que j'aurai occasion de le faire d'une manière plus particulière quand le bill sera discuté en comité général de la Chambre; car mon intention est de voter pour la seconde lecture du bill, afin de donner à cette Chambre l'occasion de faire les amendements nécessaires et de régler finalement une question aussi importante.

Néanmoins, quand je considère que cette question de la Tenure Seigneuriale concerne presque tous les habitants du Bas-Canada, et agite le pays depuis plus de trente ans; quand je considère aussi qu'il se trouve dans le bill qui nous est soumis des principes et des détails importants, auxquels je suis opposé

formellement, je crois de mon devoir de faire quelques observations générales. Et je prie cette Chambre de croire que dans les remarques que je lui adresserai, je ne me laisserai entraîner par aucune considération de parti ni par aucun désir d'entraver ou de gêner en aucune manière la marche de l'administration; mais que je ne serai guidé que par le désir d'être utile à mon pays et de protéger les intérêts que je suis obligé de représenter.

Il est peut-être assez nouveau de voir le ministère avoir assez peu de décision ou se montrer assez faible pour faire de cette mesure importante et vitale une mesure moitié ministérielle, l'autre moitié, comme l'on dit ordinairement, demeurant une question ouverte.

J'espère que cette Chambre profitera de cette faiblesse et de cette indécision du gouvernement pour se donner toute la latitude possible et faire les amendemens nécessaires.

Le premier principe du bill auquel je m'oppose c'est celui de la commutation volontaire; je dis que quand il s'agit de faire disparaître une institution qui existe depuis l'établissement du pays, et qui est aujourd'hui en désaccord avec le progrès du siècle et l'avancement des habitans du Canada, il ne s'agit pas de législater, au moyen d'une demi-mesure, mais qu'il faut attaquer le mal dans sa racine et l'extirper sans ménagement ni réserve. Si le bill tel qu'il est proposé est adopté, la charge et le fardeau qui pèsent aujourd'hui sur le peuple, sous forme de droits seigneuriaux, existeront encore dans cinquante, dans cent ans et peut-être plus longtemps encore, tandis que si la Législature, dans sa sagesse adopte une loi qui décrète la commutation forcée, en accordant au censitaire un délai raisonnable pour racheter les droits seigneuriaux, que ce délai soit de 15, 20 ou 30 ans, nous serons certains que le tems viendra, à une époque comparativement rapprochée, où il n'existera plus en ce pays de traces de la Tenure Seigneuriale.

Je dis que même dans le cas où le gouvernement méconnaîtrait sa mission ou négligerait ses devoirs au point de refuser de venir en aide au censitaire, la commutation forcée serait plus avantageuse parce qu'elle permettrait au censitaire de se racheter en partie sans qu'il s'en aperçoive, en payant tous les ans les intérêts du capital qui représenterait les droits seigneuriaux et quelque chose en amortissement du capital, comme deux par (sic) cent par exemple; tandis que par le projet de loi du Gouvernement, il n'est pas permis au censitaire de se racheter par partie, il est obligé de payer d'un seul coup tout le montant des droits seigneuriaux capitalisés, ou s'il n'a pas les moyens de le faire, de payer éternellement l'intérêt de ce capital, et d'en voir sa terre chargée et affectée pour toujours. C'est la raison pour laquelle la majorité des habitans du Bas-Canada et des censitaires s'est prononcée pour la commutation forcée. Car tout le district de Montréal s'est prononcé dans ce sens pas l'organe de la Convention: et le district de Montréal forme déjà par sa population et par le nombre de ses représentans la majorité des habitans du Bas-Canada. Une bonne partie du district des Trois-Rivières et une petite partie du district de Québec est aussi en faveur de la commutation forcée; ce qui fait que les deux tiers au moins, peut-être les trois quarts des habitans du Bas-Canada sont en faveur de ce mode de régler la question de la tenure seigneuriale. Et c'est en présence de ces faits et de l'esprit du progrès qui se fait sentir dans le pays, que notre gouvernement vient proposer une mesure rétrograde, une mesure qui n'atteint pas le but désiré; une mesure enfin qu'il n'a pas la force de soutenir en son entier comme mesure ministérielle.

Une autre objection que je me fais un devoir de mentionner, c'est l'établissement de commissaires, comme il est pourvu par ce Bill. Je suis opposé

en principe à l'extention (sic) du patronage du gouvernement, qui est déjà beaucoup trop étendu par notre système de gouvernement. Or cette nomination de commissaires que le Bill en question laisserait à l'Exécutif, dont le nombre n'est pas limité, et dont le salaire serait fixé arbitrairement par le gouverneur, n'aurait d'autre effet que de créer en faveur du pouvoir une influence immense et illégitime au moyen de laquelle les droits et les intérêts du peuple seraient sacrifiés et méprisés plus encore qu'ils ne le sont aujourd'hui. Et il est bien important de remarquer que les pouvoirs illimités que ce Bill accorde à ces créatures du gouvernement mettrai[en]t entre leurs mains toute la fortune des censitaires du Bas Canada; car par une clause de ce Bill on paraît vouloir leur imposer une règle sur la base de l'évaluation de valeur des terres, savoir: le vote fait par la municipalité; dans une autre clause il est dit que si ces commissaires ne trouvent par cette évaluation équitable, ou s'ils en sont requis par le seigneur, ils devront faire nommer deux experts, un par le seigneur et l'autre par la majorité des censitaires réunis en assemblée publique. Et si ces deux experts, après avoir fait toute l'estimation de la seigneurie, au moyen d'un salaire de tant par jour qui sera fixé par le commissaire, ne s'accordent pas, ce qui arrivera presque toujours, parce que le seigneur pouvant choisir qui il veut, choisira toujours une personne qui lui sera complètement dévouée, alors qu'arrivera-t-il? Il arrivera que tous ces frais d'expertise seront inutiles et que le commissaire devra décider en qualité de Tiers-Expert. Il y aura droit d'appel, au moyen de frais immenses, de la décision du commissaire à la Cour du Banc de la Reine.

Mais vient une question importante. Qui paiera tous ces frais de commissaires, d'experts, de cour d'appel? c'est le gouvernement, mais à même les revenus du Bas-Canada, bien entendu.

Pour faire goûter ce projet à ceux qui [ne] peuvent pas l'examiner dans ses détails ou ne peuvent pas en comprendre toute la portée, on crie bien haut que le censitaire n'aura à payer que deux sous par arpent, et le Gouvernement paiera le reste. Comme il est bon, ce cher Gouvernement; comme il vous aime! mais, avec quoi paie-t-il, s'il vous plaît? Il paie avec l'argent des censitaires avec les revenus du Bas-Canada exclusivement. Et que paie-t-il? Non pas les charges imposées par la loi, --le censitaire les paie toutes, --mais les charges que ce bill même déclare formellement, dans la (sic) 6me et 55me clauses, avoir été imposées par le seig[n]eur contrairement à la loi du pays. Et c'est pour définir les droits, pour consacrer les usurpations des seigneurs, pour les indemniser de ce qu'ils ne peuvent continuer les usurpations qu'ils pratiquent depuis longtemps, que ces commissaires devront être nommés et payés à même les fonds de Bas-Canada. Ce système de commissaires est d'autant plus déraisonnable et injuste que l'estimation des seigneuries pourrait se faire d'une manière bien plus facile et plus équitable, si le gouvernement, comme il en a le droit, obligeait les seigneurs à faire l'aveu et dénombrement et à lui fournir tous les plans, listes et états de leurs revenus qui sont nécessaires, sauf à les vérifier.

Le droit le plus odieux et le plus nuisible dont les seigneurs sont revêtus, c'est-à-dire le droit de banalité, est précieusement et scrupuleusement conservé par le projet de loi qui nous est soumis. C'est un des plus grands obstacles au progrès, en ce qu'il empêche la concurrence qui est la source du progrès.

Je ne puis, avant de terminer, m'exprimer d'une manière trop forte sur la manière générale dont notre gouvernement paraît vouloir faire accorder les intérêts des deux sections de la province en accordant tout au Haut-Canada et rien pour le Bas. Il est bien extraordinaire de voir que les hommes qui ont accepté sans restriction l'union des deux provinces, et qui veulent bien la regarder

comme un fait accompli, ne la mettent pas à effet quand le Bas-Canada peut y gagner. Il est temps, M. l'Orateur, de savoir si nous sommes deux provinces séparées ou une seule; si nous avons deux gouvernemens ou si nous n'en avons qu'un. Il est tems de savoir si nous ne sommes en communauté avec le Haut-Canada que pour ses dettes, et si la communauté doit être mise de côté quand il s'agit de partager ses revenus ou de voter quelque chose en faveur du Bas-Canada. Nous avons payé pour le Haut-Canada une dette immense contractée pour des travaux faits dans le Haut-Canada; nous avons été obligés de payer cette dette, à raison de l'union qui nous a été imposée. Pour la même raison nous devons partager le prix des réserves du clergé, du moment que le gouvernement et la chambre déclareront que ces réserves sont la propriété du gouvernement. Pour la même raison les fonds qui seront payés par le gouvernement pour aider à racheter les droits seigneuriaux devraient être pris à même les fonds consolidés, d'autant plus que l'abolition de la tenure seigneuriale sera avantageuse au Haut-Canada; car cette mesure augmentera la prospérité et les revenus du gouvernement, et les deux sections de la province en profiteront. Mais que fait notre administration? Elle présente une mesure qui mettra à la disposition du Haut-Canada, une somme d'environ six cents (sic) mille louis, et une autre qui impose au Bas-Canada le paiement d'une somme à peu près double. Et tout cela avec un même gouvernement, avec cette heureuse Union! Est-il possible de croire qu'il y aura dans cette chambre un seul membre du Bas-Canada qui votera pour ces deux mesures telles qu'elles sont. J'en appelle à tous les membres de cette chambre de quelque côté qu'ils se trouvent; il ne s'agit pas ici d'une question de vie ou de mort pour le Bas-Canada. Il s'agit de savoir si la ruine et l'anéantissement du Bas-Canada vont être décrétés par ceux qui sont chargés de représenter ses intérêts. Je suis convaincu qu'un certain nombre de membres du Haut-Canada auront la justice et l'honnêteté de voter pour des amendements qui rétabliraient l'équilibre et l'unité des deux parties de la province, et si ces amendements sont perdus par des voix du Bas-Canada, le peuple de cette section n'aura plus à accuser le Haut-Canada de lui refuser justice et de le piller, comme il a déjà été dit plusieurs fois par des membres qui font partie du gouvernement actuel; mais il aura à accuser ses propres représentans et à faire justice de leur lâcheté aux prochaines élections.

Si ces deux mesures sont adoptées telles qu'elles sont, les habitants du Bas-Canada n'ont plus qu'une chose à faire; c'est de demander d'une seule voix le rappel de l'Union, et de le demander avec vigueur et énergie.

Je me bornerai aux remarques générales que je viens de faire; je crois qu'elles sont suffisantes pour le moment, et qu'il n'est pas nécessaire d'entrer dans les détails du Bill dont plusieurs sont très vicieux, mais qui peuvent plus aisément être amendés en comité général.

Je donne les observations que je viens d'énoncer avec toute la sincérité possible, et mon seul désir est qu'elles puissent être de quelque utilité à cette Chambre et au pays.²⁰

MR. INSP. GEN. CAYLEY said, that as this was a Lower Canadian question, he was anxious to notice what had fallen from the hon. member for L'Assomption. That hon. member had commented upon the inequality of the expenditure of money for public works in Upper and Lower Canada. Far from the expenditure in Upper Canada being unfair, it was one in which both sections of the province were interested, and the works that had been constructed in Upper Canada were directed in the view to the mutual benefit of Lower Canada. The hon. gentleman then referred to the works on the²¹ Welland and St. Lawrence Canals²² and the Lakes, and said, that had it not been for the increased facilities afforded by

the lakes in Upper Canada, that, in all probability, a very large portion of the trade now enjoyed by Montreal and Quebec would have been diverted through the United States.²³ De même les glissoires sur l'Ottawa, quoiqu'elles se trouvent dans le Haut-Canada, ont été faites pour l'avantage du commerce de bois de Québec.²⁴ Any expenditure created for the promotion of public works in one section of the province was of benefit to the other section. He therefore would deny that there had been any unfair expenditure. The business of the merchants of Montreal and Quebec was derived from the works not having been erected in the United States.²⁵ The business of the merchants of Montreal and Quebec was derived from the works that have been created in U.C.²⁶

MR. LORANGER (in French,)²⁷ parla en faveur du bill de l'hon. M. Drummond, étant lui aussi d'opinion que les censitaires doivent être laissés libres de commuer quand ils le voudront.²⁸ [Il répète] que la question de la commutation volontaire ou forcée, était une question ouverte, et qu'il était pour la commutation forcée.²⁹

MR. TURCOTTE dit que le membre pour l'Assomption s'est grandement trompé, quand il a dit que le bill ne pourvoyait pas à l'abolition de la Tenure. Il demande ce qui resterait de la Tenure, quand il n'y aurait plus de lods, plus de retrait, plus de banalité--quand tous les attributs de la Tenure auraient été abolis. Ce n'est qu'une question de mots. Quant à la prétention que les censitaires veulent une abolition immédiate, il le nie. Ils voudraient bien la commutation immédiate, mais c'est qu'ils pensent que le gouvernement en payera le coût. Quand ils sont à peine capables de payer leurs cens et rentes, est-il bien probable qu'ils veuillent payer aussi les intérêts du capital représentant les lods et ventes?--Et cela lorsque souvent ils songent à ne les jamais payer, ni leurs enfants. Ce sont les lods et ventes qui sont le fléau du pays, parce qu'ils font payer au cultivateur une taxe sur son industrie. Cependant ils ne touchent qu'un individu de tems à autre, et pourtant si la province les abolissait immédiatement, à ses propres frais, ce ne serait que justice, car ces lods et ventes ne procèdent pas de la faute des individus, c'est la faute du système. Sans la jalousie qui existe entre les deux parties de la province, cela serait fait; mais comme cela est impossible il faut que le Bas-Canada tâche de régler la question pour lui-même. On dit: mais demandez le rappel de l'union! Très bien; mais pendant ce tems-là le pays est ruiné, notre industrie languit, et la Tenure existe. L'Inspecteur-Général dit que les ouvrages publiés du H-Canada ont été faits pour l'avantage du Bas-Canada; mais tout le monde sait que le Bas-Canada a pris sur lui une dette énorme, et si on propose de donner tous les revenus des réserves du Haut-Canada à cette partie de la province, il (M. Turcotte) pour un n'est pas prêt à y consentir. Quant aux détails du bill, il ne se prononce pas, mais il votera pour le principe.³⁰

MR. A. DORION (Montréal) pense que la question devant la Chambre est d'une trop haute importance, pour qu'il la laisse passer sans exprimer son opinion. Il dira de suite qu'il votera pour la seconde lecture du bill quoiqu'il le considère très imparfait, tant dans son principe que dans ses détails. Il ne croit pas que ce projet de loi soit une solution finale de cette question; au contraire, il y voit le maintien des droits les plus défavorables de la Tenure actuelle. Il veut parler du droit d'aînesse qui est singulièrement transféré sur l'argent provenant même de la commutation. Le bill pourvoit en effet à ce que les deniers reçus par les seigneurs pour leurs droits continuent à représenter la propriété seigneuriale avec tous les caractères qui la distinguent quant aux successions. Voici donc la conservation d'un droit qui n'existe plus ailleurs sur ce continent;

qui a cessé d'exister même dans le Haut-Canada depuis quelques années, quoique l'on y suive encore le droit anglais. Il voit aussi que le bill conserve le droit de banalité et le droit du seigneur d'entrer sur la propriété de son censitaire et d'y prendre six arpents de terre en quelque endroit qu'il lui plaise sans donner aucune autre indemnité que la valeur des améliorations³¹ [and] the value of the land³². Ainsi le seigneur peut aller prendre les six meilleurs arpents d'une terre sous prétexte de construire un moulin. Voilà des droits qu'il (M. Dorion) voudrait voir disparaître pour jamais. Il ne veut plus qu'ils existent, du moment où la Législature aura décidé que la Tenure dont (sic) être abolie. On dit que l'abolition sera complète, mais comment cela peut-il être vrai, quand on laisse encore le droit de banalité, ce droit qui empêche toute autre personne que le seigneur de bâtir des moulins dans la seigneurie, et qui prive le pays de tirer avantage de ses pouvoirs d'eau?

Voilà le droit qui plus que toute (sic) autre a empêché l'augmentation de la valeur de la propriété foncière dans les seigneuries; car toute personne qui voyage dans les townships doit être frappée du nombre de moulins³³, of tannaries (sic)³⁴, et de manufactures qu'on y voit partout chez une population éparsée, pendant qu'on trouve à peine un moulin par chaque seigneurie de plusieurs milles en superficie. Pourquoi cela? Parce que le seigneur possède tous les pouvoirs d'eau et peut contraindre de venir à son moulin tous les habitants de sa seigneurie, quoique le moulin de son voisin soit meilleur que le sien.³⁵ The Censitaire in the Seigniories must eat bad bread, because the Seignior can oblige him, under penalty, to come to his banal mill, though a bad one it might be.³⁶ Voilà encore un droit qu'il veut qu'on abolisse dès que le bill sera devenu loi. Il veut, sans doute, que le seigneur soit indemnisé pour ce qu'on lui ôte; mais aussi il veut que les censitaires aient l'avantage d'une abolition pleine et entière. Il y a peut-être dans la Chambre quelques membres qui ne connaissent pas la nature de la Tenure sous laquelle les trois quarts des terres du Bas-Canada ont été concédées. Qu'il lui soit donc permis de leur dire que cette tenure a été établie lorsque le pays était encore sous la domination de la France, non pas, il est vrai, avec tous les abus et tous les privilèges exorbitants qui y étaient attachés en France; mais pourtant avec bien des désavantages que ne comprenaient par (sic) les grands hommes qui gouvernaient alors ce royaume, faute de connaissances économiques suffisantes. Il leur semblait que dans l'intérêt de l'établissement du pays il était avantageux de permettre aux gens du peuple de s'établir sur des terres à des rentes modérées, et peut-être avaient-ils raison; mais on ajoutait à ces conditions faciles d'autres droits bien plus onéreux, qu'on appelait les lods et ventes. C'est le droit du seigneur d'exiger à chaque mutation un douzième du prix d'achat. Cette charge était peu considérable dans le commencement, car il y avait tant de terres incultes que chacun pouvait en avoir autant qu'il en voulait. Mais par la suite ce fardeau est devenu bien autrement lourd, car il y a des propriétés qui aujourd'hui valent cent fois plus qu'elles ne valaient originairement par suite des améliorations qui y ont été faites. Voici donc une taxe qui devient plus pesante, en proportion de l'intelligence et de l'industrie de ceux qui y sont soumis et donne plus de valeur à la propriété, de telle sorte que c'est toujours dans les endroits où la propriété a le plus augmenté de valeur où l'on a commencé à s'en plaindre, et c'est la raison qui a fait que les habitants de la ville de Montréal ont commencé les premiers à réclamer contre le système seigneurial. Dès 1839, un plan de commutation fut arrêté entre le gouvernement et les seigneurs de l'Ile de Montréal, et une loi plus avantageuse que ne peuvent espérer les censitaires d'aucune autre seigneurie, fut passée. Ici il croit de son devoir de dire, et cela d'autant plus qu'il a plusieurs fois

cru s'apercevoir qu'il existait de grands préjugés dans cette Chambre contre les institutions de ce genre, que les Messieurs du Séminaire de Montréal, ont eux-mêmes consenti à une loi de commutation pour les droits seigneuriaux dans leur seigneuries à des termes des plus favorables, et si favorables qu'il ne voudrait pas les imposer aux autres seigneurs. Il pense qu'on s'est abusé sur les difficultés qu'on peut rencontrer dans l'établissement d'un système de commutation. Si l'on ouvre seulement un seul ouvrage qui traite la question de l'expropriation forcée l'on verra de suite en quelle manière l'expropriation doit s'opérer dans le cas actuel.

Cette expropriation aura lieu non pas pour l'avantage du Bas-Canada seul, mais aussi pour l'avantage du Haut-Canada, car tout ce qui améliore la condition du peuple du Bas-Canada doit aussi augmenter la prospérité du Haut-Canada. Sans doute le Bas-Canada en retire le plus grand avantage, mais celui du Haut-Canada quoique indirect sera aussi certain. Il croit donc que le Haut-Canada doit y contribuer pour sa part. Dans le projet de loi actuel il y a un nombre de clauses qui règlent les matières de peu d'importance, et un nombre d'autres qui font surgir des difficultés bien plus graves.³⁷ In the third and fourth clauses, he saw that all the unconceded lands of the Seigniories should be reunited to the Crown Domain, and the indemnity to be given for that to the Seignior is that his rights upon these unconceded lands should be valued by one Commissioner. He would like to know what was the rule by which the Attorney General East of the Government intended to determine or fix the Seigniorial rights upon unconceded lands. It would require the wit of more than one Commissioner, however accustomed he might be to the work, to establish those rights.³⁸ La proposition est de laisser au seigneur une partie de valeur égale à ses droits, mais cela prendra probablement toutes les terres non concédées, et la partie de ces terres qui doit être appliquée à l'augmentation du fonds de rédemption sera très restreinte. Quant au droit du seigneur de prendre six arpents sur une terre quelconque, il en a déjà parlé comme d'une grande injustice. Le censitaire n'aura aucune sûreté contre l'abus de ce droit que l'obligation de la part du seigneur de bâtir un moulin dans les deux ans--et il n'en doit recevoir aucune indemnité que le coût des améliorations qu'il aura pu faire avant que le seigneur se soit avisé de prendre le terrain. De l'autre côté, si le seigneur ne bâtit pas le moulin, le censitaire pourra reprendre sa propriété; mais seulement en indemnisant le seigneur pour les améliorations que ce dernier aura faites, que ces améliorations soient utiles au censitaire ou non.

Quant à la banalité, il est vrai que chaque censitaire pourra en autant qu'il y est concerné, la commuer, mais après cette commutation partielle elle ne sera pas abolie; et la même chose qui est arrivée dernièrement dans une seigneurie du district de Montréal pourra avoir lieu. Un homme qui avait commué sa terre y construisit un moulin qui lui coûta deux ou trois mille louis. Il avait le droit de le faire, mais la personne qui avait le droit de banalité poursuivit non le propriétaire du moulin, mais ceux des censitaires qui n'avaient pas commué et qui allaient y faire moudre leurs grains. La commutation telle que proposée dans le bill, donnera bien le droit d'avoir un moulin; mais elle ne donnera pas droit à ceux qui n'auront pas commué d'y aller faire moudre.³⁹ Every man who took grain to the mill to be ground, was liable to be sued by the party having the right of banality, and he would have to pay the fine to the Seignior accordingly. This was one of the inconveniences of the Seigniorial Tenure which justified its entire adolition (sic).⁴⁰ Il se plaint aussi du pouvoir extraordinaire qu'on va donner aux commis[s]aires que le gouvernement pourra nommer, en vertu de ce bill, qui n'en limite pas même le nombre. Il y en aura une armée de ces commissaires qui exerceront toute leur infl[u]ence sur les affaires

politiques du pays et dans l'intérêt de ceux qui les auront nommé[s]. Ces commissaires devront évaluer les droits que le seigneur peut exercer, et surtout ils auront pouvoir d'évaluer le droit de banalité à part la valeur du moulin. Comment cela se fera-t-il? Par quelle (*sic*) procédé pourront-ils estimer la valeur de l'obligation de faire venir les censitaires à un moulin banal. On sait que lorsqu'un moulin est en bon ordre, et qu'il est le plus proche, il n'est pas nécessaire d'exercer ce droit. Les censitaires y viendront sans contrainte. Ce n'est que quand le moulin est mauvais qu'on a besoin de recourir à l'exercice de ce droit, et par conséquent moins le moulin sera avantageux aux censitaires, plus l'indemnité pour la banalité sera considérable.⁴¹ Therefore he held that the power given to these Commissioners to value rights which are in the abstract entirely independent of the value of the property, were most extraordinary and arbitrary in their character.⁴² La clause la plus importante du bill est la 24^{me} qui parle de l'indemnité qui doit être payée au Seigneur pour ses lods et ventes.⁴³ Another arbitrary power given to the Commissioners was to determine the value of the lods et ventes upon that property.⁴⁴ Il ne pouvait comprendre cette clause avant d'avoir entendu les explications du procureur-général. Ce monsieur a dit qu'il y avait eu un changement considérable à la troisième lecture du bill présenté durant le dernier parlement, que par suite de ce changement, le seigneur devrait recevoir son indemnité après chaque mutation, et que cependant il devrait recevoir l'intérêt sur cette indemnité. Voilà un procédé extraordinaire. Il le comprendrait si on déterminait la valeur annuelle des lods et ventes dans chaque seigneurie, année commune, pendant dix ans, et si on faisait payer les intérêts sur le capital qu'ils représentent, divisant le montant entre toutes les propriétés dans chaque seigneurie suivant leur valeur. Alors les intérêts devraient être payés au seigneur; mais le procédé proposé tend à donner au seigneur la valeur d'un lods et ventes entier sur toute sa seigneurie, argent comptant, ou avec intérêt si la somme n'est pas au comptant, c'est-à-dire à lui donner trois fois plus que vaut sa propriété. Il, (M. Dorion) s'il était seigneur, serait très aise de commuer à ces conditions-là, il accepterait volontiers le bill sans le pouvoir immense qu'on va mettre entre les mains d'un commissaire qui peut fort bien s'en servir au désavantage soit du seigneur ou du censitaire. D'un autre côté, le bill privera le seigneur de droits qui lui sont incontestables.

Il a parlé de la banalité; il a encore le droit de retrait. Ainsi, pendant que le bill donne d'une main au seigneur plus qu'il ne lui appartient, il lui arrache, de l'autre main, des choses qu'il possède à bon droit.⁴⁵ He (Mr. D.) also saw a number of clauses where the rights of the Seignior which cannot be contested and which the Attorney General East dared not contest, were extinguished. The Seignior, by one clause, was to be deprived of the power to cut any wood upon the land of the Censitaire, and of the right of taking the mineral produce, and the right of retrait; so that on the one hand this bill diminished the rights of the Seigniors, and on the other hand gave him much more than he was entitled to.⁴⁶ Dans toutes les parties du bill, on voit des clauses qui établissent des règles purement arbitraires par lesquelles on doit déterminer des droits de propriété. Il croit que la Chambre ne doit pas donner un exemple de ce mode de traiter les droits acquis. En effet s'il n'y avait pas moyen de se soustraire au joug de la Tenure Seigneuriale, il dirait que vu les maux qu'elle cause, et le bien qu'en produirait l'abolition, qu'on doit adopter tout moyen plutôt que de la laisser subsister; mais il croit qu'il y a un moyen très simple de la régler, et il est certain que les censitaires ne désirent pas priver les seigneurs de leurs justes droits; qu'ils sont même disposés à leur donner un peu plus que ce qui leur appartient. Il ne veut pas entretenir plus

longtemps la Chambre de ce sujet qui doit être considéré de nouveau en comité général⁴⁷. He would invite honorable members to look carefully into the details of the bill before it went into Committee, and to see whether these Commissioners could get through the work imposed upon them in the course of many years and whether the expense of that Commission, would not absorb one-half or two-thirds of the special funds which are set apart to indemnify the Seignior, and he (Mr. D.) wished to call the attention of those honorable members, who represented that portion of the country where the Seigniors have not exacted more than (*sic*) one penny per acre from the censitaires, to the fact, whether they meant to adopt that principle in this bill which only gives the aid of the Government to those Seigniories where the rent has been increased beyond the sum of one penny per acre. (Hear! hear! hear!) That sum which the House was called upon to value was not to be divided equally, in proportion to the value of the Seigniories or the number of inhabitants of Lower Canada, but it was to be applied to their Seigniories in which the Seigniors have exacted a higher rent than that originally stipulated for the Seignior to exact from the censitaires. He (Mr. D.) would call upon honorable members to say whether they would be satisfied with the proposed expenditure of public money under these circumstances? Though he (Mr. D.) represented the District of Montreal, he was not willing to deprive the inhabitants of Three-Rivers and Quebec, and other districts, of getting a portion of the money which the Government are about to vote to abolish the Seigniorial Tenure.⁴⁸ Il en appelle aux représentants des Districts des Trois-Rivières et de Québec; et pour lui-même, il sera satisfait si ses constituants obtiennent leur part suivant leur nombre.⁴⁹ If this veiled question could only be settled, they, did not care about getting the largest amount of it.⁵⁰ Une autre partie du projet qu'il n'approuve point, c'est celle qui exempte de l'opération du bill dix ou onze des meilleures seigneuries du Bas-Canada, de manière que les habitants de ces seigneuries ne partageront pas l'octroi dont profiteront les autres. Il veut que toutes ces seigneuries soient soumises à l'opération du bill, excepté la ville de Montréal, qui a déjà un mode de commutation bien plus favorable que n'est celui maintenant devant la Chambre.⁵¹ It was an obnoxious feature of the Bill also, that its operation was not to extend to the Seignior of the Jesuits, the Seignior of the Ecclesiastics of the Seminary of St. Sulpice, and some ten or twelve others, the most valuable in the country.⁵² En dehors de la ville, il veut que toutes les seigneuries soient incluses dans le projet d'abolition; mais comme on a souvent accusé le parti avec lequel il agit de vouloir tout détruire, sous (*sic*) être capable de rien édifier, il soumettra un plan qu'il croit être plus propre que celui soumis à la Chambre à rencontrer les besoins du pays. Premièrement il proposerait que toute seigneurie soit évaluée par des arbitres nommés de la même manière que dans tous les autres cas d'expropriation forcée, c'est-à-dire, par un arbitre nommé par le seigneur, un autre par les censitaires, et un troisième par le juge. Ces arbitres évalueraient les seigneuries en entier avec tous les droits y attachés, moins le manoir et le domaine. De cette évaluation ils déduiraient les dépenses d'administration de la propriété seigneuriale. Ces dépenses se montent le plus souvent de dix à vingt pour cent. De plus les revenus d'une seigneurie étant perçus de 300, 400 ou 500 censitaires par sommes de 10s à 15s chacun, il s'en suit qu'une assez forte proportion ne peut être recouvrée que très irrégulièrement et même qu'une partie ne peut l'être du tout. Toutes ces circonstances doivent diminuer d'autant la valeur des seigneuries.

De même il ne serait pas juste dans l'évaluation de considérer le montant total des cens et rentes comme représentant l'intérêt à six pour cent d'un

capital que l'on ferait payer au censitaire, lorsque l'on sait que les rentes constituées, qui sont généralement pour un montant plus considérable, et ont par conséquent plus de valeur que les rentes seigneuriales [qui] ne se vendent jamais au pair, mais à 15, 20 et même jusqu'à 33 d'escompte, parce que le capital n'en est pas exigible. L'on sent par là tout l'avantage que les censitaires auraient à ce que les seigneuries ou l'ensemble des droits seigneuriaux fussent estimés à leur valeur commerciale et comme ne formant qu'un tout et qu'ils ne le soient pas séparément, tel qu'il est proposé de le faire par le bill sous considération. Du moment de l'évaluation de la seigneurie l'on déduirait la valeur des terres non concédées et des pouvoirs d'eau non utilisés que le gouvernement pourrait accéder et réunir au domaine de la couronne et en payant le prix au fonds de rachat de chaque seigneurie respectivement, ou bien ces terres et pouvoirs d'eau seraient vendus et le prix appliqué de la même manière. Les moulins et pouvoir d'eau utilisés pourraient être retenus par le seigneur en déduction du prix de sa seigneurie ou vendue (*sic*) publiquement. Après déduction des différentes sommes ainsi versées dans le fonds de rachat et de la portion alloué[e] par le gouvernement dans chaque seigneuries (*sic*), "cette allocation devant être divisée entre les diverses seigneuries en proportion du montant des droits à racheter en icelle," la balance devrait être divisée entre tous les propriétaires en proportion de la valeur de chaque propriété, moins cependant les cens et rentes de chaque terre qui devraient être capitalisés et payés par chaque propriétaire.

Il ne pense pas qu'en adoptant ce sy[s]tème les censitaires eussent à payer plus de 4½ à 6 par (*sic*) cent de la valeur de leur propriété pour se racheter de tous les droits seigneuriaux quelconques, excepté peut-être lorsque les rentes seraient très élevées. Alors, le propriétaire d'une terre valant ... aurait £9 à £12 à payer pour se racheter. Il demande maintenant aux membres de cette Chambre, s'il est un grand nombre de censitaires qui ne pourraient se libérer de cette somme en la payant par versements annuels pendant vingt ou vingt-cinq ans. Ils n'auraient tout au plus à payer que quelques chelins de plus que leurs ventes actuelles. La propriété du censitaire serait immédiatement dégrevée de toutes redevances ou charges seigneuriales, les terres incultes et les pouvoirs d'eau seraient livrés à l'agriculture et à l'industrie. L'esprit d'entreprise serait par là développé ainsi que les ressources et les avantages naturels du pays. Les habitants n'ont jamais été plus en état qu'ils ne le sont aujourd'hui de payer la modique charge qui leur serait imposée, et il demande encore si les sommes annuelles dont il vient de parler peuvent ruiner les habitants de Bas-Canada. On s'est créé des difficultés parce qu'on n'a pas voulu les regarder en face; parce qu'on n'a jamais dit aux censitaires: vous devez payer un tel prix. Peut-être ne propose-t-il pas un plan très populaire; mais il est persuadé que c'en est un qui procurerait plus tard le plus de contentement dans le pays en général.

Ici il doit dire que le bill actuel rencontrera beaucoup d'opposition dans le Conseil Législatif, par suite des pouvoirs arbitraires qu'il accorde aux commissaires. C'est cette partie du dernier bill qui l'a fait échouer, et la même objection fera échouer celui-ci. Quand même il passerait dans le Conseil il est douteux que le Gouverneur veuille le sanctionner.⁵³

MR. AT. GEN. DRUMMOND demande pourquoi le bill ne passerait pas dans le Conseil Législatif.⁵⁴

MR. A. DORION.--Parce qu'il ressemble trop au bill du dernier parlement, qui d'après les assurances du Procureur-général, devait alors passer dans le Conseil et qui a cependant échoué.⁵⁵ It was rejected by the Legislative Council by a vote of 16 to 4.⁵⁶

MR. AT. GEN. DRUMMOND nie qu'il l'ait fait.⁵⁷ On what occasion did I vouch for the Legislative Council.⁵⁸

MR. A. DORION croit avoir lui-même entendu dire au Procureur-général que le bill passerait certainement dans le Conseil.⁵⁹

MR. AT. GEN. DRUMMOND said he was certain he never vouched for what the Legislative Council might do. He might, however, have expressed a reasonable hope and a strong conviction on the subject. And he had a right to do so, for members of the Council wrote to him that they considered it was one of the greatest measures ever brought before the country, and that they would vote for it, and yet they came down and voted against it.⁶⁰ Vous étiez ici pour promouvoir la cause des seigneurs.⁶¹

MR. A. DORION.--Non; je ne me suis jamais mêlé de la protection des droits des seigneurs. Mes vues ont toujours été bien connues à ce sujet et quoique le Procureur-général se vante d'avoir été l'auteur de cette mesure, je lui dirai qu'il a été forcé de venir avec le bill qu'on dit qu'il dressa en vingt-quatre heures, par la Convention anti-seigneuriale qui s'assembla en 1849, dans laquelle avait été adopté le plan que je viens d'exposer.⁶²

MR. AT. GEN. DRUMMOND n'a jamais assuré la Chambre que le Conseil Législatif passerait le bill du dernier parlement, quoiqu'il ait cru qu'il le ferait.⁶³

MR. A. DORION.--Très bien, mais il n'est pas probable qu'ayant refusé le bill du dernier parlement, le Conseil consentira à passer celui-ci, qui n'accorde que deux sols aux seigneurs tandis que l'autre leur en donnait quatre. Il répète qu'après même que le Conseil aura passé le bill, si toutefois il le fait, il n'est pas probable que le Gouverneur le sanctionne. Et dans ce cas les seigneurs vont opposer cette sanction en Angleterre, où on a des opinions très favorables de ceux qui invoquent des droits acquis, et où on ne sanctionnerait jamais une mesure qui aurait l'apparence de dépouiller les seigneurs. Mais que serait la conséquence de tous ces délais? Tous les ans la valeur des propriétés augmente dans une progression constante et tous les ans la commutation aura à se faire à une évaluation plus forte que l'année précédente. Ainsi si on avait disposé de la Tenure en 1848, on aurait commué tous les droits seigneuriaux pour un cinquième ou un quatrième de moins qu'aujourd'hui. On ne sait rien non plus du montant qu'on doit tirer du fonds consolidé pour venir en aide aux censitaires. Il peut être de £150,000, £200,000, ou £250,000. Le Procureur-général ne peut constater ce montant, parce qu'il ne possède pas les chiffres nécessaires; pourtant il faut que nous donnions cet argent, non pas pour abolir, mais pour définir la Tenure Seigneuriale. Il pense que la Chambre doit savoir quelle somme on lui demandera avant que de la voter, et il craint que cette clause n'empêche quelques membres du Haut-Canada de voter pour le bill. Pour lui-même, s'il ne pensait pas que le bill subirait de grands changements dans le comité général, il serait disposé à voter contre, parce qu'il ne croit pas qu'il soit bien avantageux, et qu'il craint qu'il n'empêche un meilleur bill de passer.

En réponse à l'honorable Inspecteur-général, il dira que les deux provinces ont formé une société qu'il sera très difficile de dissoudre. Le Bas-Canada s'est, lors de l'Union, chargé d'une lourde dette, et il adopte le principe qu'on doit partager les avantages et les désavantages de l'Union, comme l'a fait l'honorable Inspecteur Général. Dire que le Canal Welland avait été fait autant dans l'intérêt du Bas que du Haut-Canada, c'est commettre une erreur grossière. Sans doute la ville de Montréal a profité indirectement des dépenses

faites pour ce canal; mais dans l'ouest le canal a augmenté la valeur de la propriété foncière de cinquante pour cent, car le prix du blé est augmenté de 2s à 2s 6d le minot à 3s 6d à 3s 9d par minot.⁶⁴ It was improper to say, therefore that that work had benefited Lower Canada as much as Upper Canada, simply because in Lower Canada they had an increased trade passing their doors, and benefitting (sic) a few ship-owners and others. Even the improvements made in Lower Canada itself, such as the Lachine canal and the Beauharnois canal, were more directly for the benefit of Upper Canada. They might benefit trade in Montreal, but of what consequence was that to the censitaires all through the country? The Seigniorial Tenure occupied a position similar to that of those improvements. Its abolition would be a great direct advantage to Lower Canada, and also an indirect advantage to Upper Canada; for if Lower Canada thereby became a great manufacturing country, Upper Canada would find an enlarged market for its produce. He hoped, therefore, that Upper Canada members would be liberal in dealing with this question, but he trusted they would vote money only for the purpose of abolishing entirely the Seigniorial Tenure, and not perpetuate it for an indefinite period.⁶⁵

MR. FELTON said that Mr. Dorion had not taken up the subject under consideration as a legislator, but as a lawyer, to bolster up a bad cause. The hon. member had looked with microscopic keen[n]ess of eyesight into the details of the bill to trace defects therein. On the other hand, he (Mr. F.) was very much surprised at the perfection that had been arrived at in drawing the bill. He then proceeded to combat at length the propositions and statements of Mr. Dorion.⁶⁶ If the specimen of construction produced by the Hon. member for Montreal (Mr. Dorion,) was a fair sample of what that party could do, the reproach that they were mere destructionists was well applied. The Hon. Gentleman's scheme differed from the bill solely by substituting arbitrators for commissioners.⁶⁷

MR. DEWITT said he would vote for the second reading, but reserved to a future period the expression of his ideas in regard to the details of the Bill.⁶⁸

MR. BROWN.--It was obvious that all persons felt that Upper Canada and Lower Canada were inseparably connected, and that which benefitted (sic) the one benefitted (sic) the other.⁶⁹ Before the question was put he desired to say a few words to guard himself and some other members from Upper Canada from being misapprehended as to the vote they were about to give in favour of this Bill. He believed that most if not all of the members from Upper Canada regarded the Seigniorial Tenure as a great injury to Lower Canada and desired anxiously to see it abolished--well knowing that when one section of the Province was affected injuriously, the other section must suffer with it.⁷⁰ They were all anxious to see this Seigniorial Tenure done away with, as being a great injury to the interests and progression of the country⁷¹. But however anxious hon. gentlemen might be to see this important question settled, it was impossible that the details of the Hon. Attorney General's Bill could be regarded as at all satisfactory. For his (Mr. Brown's) part, he must express his opinion that it was a most unstatesmanship measure. Its provisions were cumbrous, expensive and most unjust--and after all, it did not change the Tenure, but only removed certain of its worst features.⁷² There were two matters to be looked at,--the first were (sic), that disputes exist between the Seigniors and Censitaires upon certain questions; the next was, that there is a great evil in the tenure itself, and he could not see why the House should be called upon to contribute anything out of the Consolidated Fund for the mere settlement of a question between the

Seignior and Censitaire.⁷³ The position taken by the hon. gentleman in his Bill is something like this: he says, the Crown of France granted to certain Seigniors large tracts of land in Canada, on condition that they would divide them up into farms and grant to any person demanding it a farm of 90 acres, on the consideration of paying one penny per acre annually, and having his corn ground at the Seignior's mill; he says that while Canada remained a French possession these conditions were not in one case exceeded--but that after the conquest the Seigniors broke through the restrictions on which they held their grants, and gradually increased their exactions from the censitaires until the most preposterous demands have come to be levied. On these premises the hon. gentleman proceeds to legislate. Let me read his sixth clause:--

"And whereas divers Seigniors, Proprietors of Fiefs in Lower Canada, have imposed on lands conceded by them, rents exceeding those at which such lands ought to have been conceded according to the ancient laws of the country, and have burthened the said lands with various reserves, charges and conditions which impede industry, delay the settlement of the country and check the progress of its inhabitants; and whereas it is just to remedy such abuses--be it enacted, &c."

The Hon. Attorney General thereupon proceeds to declare that from this moment every claim, bargain or exaction, however made, by any Seignior upon any censitaire--beyond one penny per acre and the right to grind the corn of the censitaire at the Seignior's mill--shall be null and void. He declares all the exactions of the Seignior unjust--he sends him back to his original grant, and cuts off all else. So far, the hon. gentleman's scheme is perfectly comprehensible--he is dealing out stern justice. But mark what follows. Let me read the 55th clause:--

"And whereas some of the powers formerly vested in the Governor and Intendant of New France, under the laws promulgated by the Kings of France, for the purpose of restraining all undue pretensions on the part of Seigniors, have not been exercised since the cession of the country; and whereas differences of opinion have existed in Lower Canada, and conflicting decisions have been pronounced by the tribunals established since that time in reference to the character and extent of various Seigniorial rights; and whereas while it is the duty of the Legislature to restore to persons continuing to hold lands en roture, (in so far as present circumstances will permit) the rights and immunities secured to them by law, as interpreted and administered at the last mentioned period, it is at the same time just that Seigniors who have legally or equitably acquired and enjoyed lucrative privileges, of which they will for the future be deprived by this Act, notwithstanding the enjoyment of such privileges may have been sanctioned by the said tribunals since they ceased to exercise the aforesaid powers, should be indemnified for the losses they will suffer from the manner in which the rights to be hereafter exercised by Seigniors are defined by this Act; be it therefore enacted, &c."

And the hon. gentleman thereupon proceeds actually to provide for the re-compensation to the Seignior of every penny taken from him by the first part of the Bill! He declares the Seignior has been robbing the censitaire for a hundred years, and he prohibits him from robbing any longer--but he pays him in hard cash the full amount for all the additional levies he would have made had he been allowed to go unmolested. (Hear, hear.) And who, Mr. Speaker, is to pay this money, this compensation to the Seigniors? Those who got the dues which are cut off from the Seigniors--the censitaires? Not at all. The hon. gentleman proposes to take the funds from the public chest. (Hear, hear.) A dispute exists between certain landlords and tenants of Lower Canada on a matter

purely local and personal. The hon. gentleman decides between them and throws the payment of the verdict and costs on the public, nine-tenths of whom have no interest whatever in the matter. What would be thought if the dispute now waging between the Canada Company and its tenants were to be brought before Parliament, and we were to say, "the Company is wrong--it has charged what it had no right to charge. We declare its claim against its tenants null and void, but we ordain that the full amount of its claim shall be paid from the public chest?" What would the people of Upper Canada say of such a decision, and yet it is precisely that of the hon. Attorney General and colleagues. (Hear, hear.) and the worst of the case is, that we are to be called on to pay this money to these Seigniors, without any information, without even a suggestion as to the sum we are voting. The Government scheme is that the public shall pay the bill whatever it amounts to. We go into it blindfold. In last Parliament, the sum wanted was variously estimated at from one to three millions of dollars, and the new scheme of the Attorney General is still worse for the public than the one of last session. No doubt hon. gentlemen will be told that it is true the public Exchequer is charged with the indemnity to the Seigniors, but that certain Lower Canada funds are specially set aside to repay the advance. It is true that in clause 67 there is a pretext of this kind made, but when closely examined it will be seen to be merely a pretext, for that in fact the funds set apart are not Lower Canada funds but Provincial funds. The first is "all moneys belonging to the Province, and arising from quint and other dues which are now, or hereafter shall become payable to the Crown, in or upon the Seignories in Lower Canada, of which the Crown is Seignior Dominant, as well as from all arrears of such dues." This is as much public money as funds accruing from the sale of Crown Lands in Upper Canada. The next source of revenue is "all moneys arising from the Revenues of the Seignior of Lauzon." That also, it is evident, belongs to the Province. The Seignior of Lauzon is public property. What is the use of going about the bush in this way? If it is right to take the money out of the public purse, why not say so at once, and let us put our faces to it. (Hear, hear.) The next item is "all moneys arising from Auction duties and Auctioneers' Licenses, in Lower Canada." How can this be considered a Lower Canadian fund? It is mostly levied on Upper Canadian sales, and besides is a most obnoxious impost, which ought to be repealed without the loss of a single day, as injurious to trade. The last item is "all moneys arising in Lower Canada, from licenses to sell spirituous, vinous or fermented liquors by retail in places other than places of public entertainment, commonly called Shop or Store Licenses." This item comes to £2,000, but the hon. Inspector General intends to wipe away this whole branch of revenue by the Maine Liquor Law, and that immediately.⁷⁴

MR. PRES. EX. COUN. MACNAB.--We merely voted for referring the Bill to a Committee.⁷⁵

MR. BROWN.--No doubt,--with the object of getting it improved. (Hear, hear.) If the hon. and gallant knight had not wished to commit himself to the principle of the bill, he would have postponed the question until the Committee's Report was received; but he manfully affirmed the principle by voting for the second reading. And more than that, he defended the Bill, and called him (Mr. Brown) to account for saying that there were hurtful provisions in it. (Hear, hear.) He was quite satisfied the Government intended to carry out the measure in the good faith in which they voted for it, and of course this £2,000 could not be obtained to indemnify the Seigniors. (Hear, hear.) It was quite clear, therefore, that these alleged Lower Canada funds were no such thing, but

were the common property of the Province. He fancied that in regard to such a scheme there could be but one feeling among Upper Canadians, unless its provisions were greatly altered. The position of some hon. gentlemen, however, he confessed he could not understand. Who were the men who led the opposition to the Seigniorial Bill of last session? why, the Hon. Attorney General West (Mr. J.A. McDonald) and his colleagues! and yet here they are, bringing in a Bill themselves worse, from theia (sic) point of view, than that they opposed a few months ago! (Hear, hear.) Fortunately, we have the very words of the hon. gentlemen recorded in our journals. On the 27th of April, 1853, I find it was moved by the Hon. J.A. McDonald, seconded by Mr. Langton:

"That it is inexpedient and unjust to the taxpayers of Canada, to appropriate any portion of the Territorial Revenues of this Province to the payment of the Indemnity, to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed legislation under the Bill as now framed, is of local interest only, and such Indemnity should be paid by the parties immediately benefitted (sic) thereby." (Hear, hear.)

For this resolution Messrs. Brown, Langton, Lyon, McDonald (Kingston), Merritt, Robinson, Shaw and others voted. Sir Allan McNab and Mr. Henry Smith were absent. The hon. gentleman was not content with this, but he moved a second resolution, that Upper Canada ought, in no case, to bear any share of the indemnity to the Seigniors. For that motion, I did not vote, because I was willing to pay a limited sum from the public chest, provided, but only provided, the Seigniorial Tenure was extinguished by the Bill. But the motion was supported by Messrs. Crawford, Langton, McDonald (Kingston), Marchildon, Robinson, Shaw and others. Nay, the Hon. Attorney General was not content with even this--he moved a third amendment, as follows:

"That the proposition to pledge the Consolidated Revenue Fund for the payment of the said indemnity, or any portion thereof, and thereby to increase the Provincial debt and taxation to an unknown and unlimited amount, is improper, unprecedented and dangerous; that it deprives this House of the necessary check over the public expenditure and the public burthens; and that this House will fail in its duty to the people of Canada if it assents to any such proposition." (Loud cries of hear, hear.)

Never was there a more obvious or just proposition than is contained in this resolution--and yet, here we have the very gentleman that moved it and urged it with all his eloquence, eating it all up and bringing down, as a minister of the crown, the very proposition he then so ably resisted! (Hear, hear.) Has the hon. Attorney General not "failed in his duty to the people of Canada," by bringing before us so objectionable a measure? (Hear, hear.) I apprehend these resolutions convey clearly the mind of the people of Upper Canada, and that there is but one condition on which it can be modified. The Seigniorial question divides itself into two issues: first, the question of equity between the Seigniors and Censitaires, what, under the Seigniorial system, are the relative rights of the two parties?--And second, the question as to a compulsory change of the Seigniorial Tenure into Free and Common Socage. In regard to the first question, I cannot see that the public have anything to do with it--it is a mere question of equity--and strict justice ought to be done between the parties. (Hear, hear.) As regards the second, I do think that to obtain the immediate and total extinction of the Seigniorial Tenure, the public purse may be fairly drawn upon to a limited extent, in facilitating so great a public advantage. (Hear, hear.) An impetus I apprehend would be given to the industrial energies of the people which nothing else could effect, and the whole

Province would benefit by the happy consequences of the change. For my part, sir, I am prepared to vote a definite sum from the public chest to change this Tenure, but I am not prepared to vote one shilling of public money for the scheme of the Attorney Gen.⁷⁶ in which no estimate of the required sum for the total estimation of the tenure was given. The Attorney General had said last parliament that it might be about £150,000, but some hon. member had estimated the required sum at four times that amount and more.⁷⁷ It but settles the question of equity between the Seigniors and Censitaires, and it throws the burden of the settlement on the people of Upper Canada; it commits us to pay a sum we know not how much; and it not only leaves the Seigniorial Tenure in existence, but it specially excepts from the operation of the bill the immense Ecclesiastical Seigniories of the Roman Catholic Church.⁷⁸ Upon these grounds he (Mr. B.) thought that it would be unreasonable to adopt such a scheme as this, because the effect would be that after the large sum of money were given, the tenure would remain as now. He would not go into the details of the bill at this stage. He thought that the scheme proposed by the hon. member for Montreal (Mr. Dorion) was a good one. He (Mr. B.) would deny that the Special Fund belonged to Lower Canada any more than to Upper Canada,—it belonged to the whole Province, just the same as the Crown Lands in Upper Canada.⁷⁹ I trust, then, the hon. gentleman who conducts this measure will consent to great changes being made upon it—that he will extinguish the injurious Tenure, grant a definite sum towards its extinction, and apply some general principle for adjusting local disputes, instead of the cumbrous and costly army of commissions he now proposes to send abroad.⁸⁰

MR. LABERGE dit que comme il y a quelques membres dans la Chambre qui vo- taient l'autre soir pour la seconde lecture d'un bill, quoiqu'ils n'approu- vaient pas son principe, il croit qu'il peut voter pour la seconde lecture de ce bill quoiqu'il y ait quelques-uns de ses principes qu'il n'approuve pas. Quelques membres de la Chambre pensent qu'il n'y a aucun moyen de détruire immédiatement la Tenure Seigneuriale sans opprimer les habitants; quelques autres croient qu'on peut l'abolir immédiatement et en même tems faire du bien aux habitants. Avec cette exception il n'y a pas de différence entre les par- tis dont la Chambre se compose. Le membre pour Maskinongé a soutenu la pre- mière de ces deux opinions, et avec beaucoup d'indépendance a dit que ce serait un acte de justice pour la province de venir en aide aux censitaires. C'est peut-être un acte de justice, mais on a beau le dire il est impossible de forcer le Haut-Canada de le faire. On parle encore du rappel de l'Union, ce qui est encore plus beau; mais quoiqu'il soit très bien de parler en homme indé- pendant, il est mieux de voter en homme indépendant. Maintenant, quand la coa- lition a eu lieu, une des raisons principales qu'on donnait pour la soutenir, c'était que les membres de l'administration du Haut-Canada seraient plus favo- rables au Bas-Canada, que tout autre parti du Haut-Canada. C'était très bien lors de la formation du ministère.⁸¹

MR. PROV. SEC. CHAUVEAU n'a jamais entendu parler de cela.⁸²

MR. LABERGE.--C'est très probable; mais il (M. Laberge) l'a entendu. Ce- pendant le ministère n'abolit pas la Tenure, il en laisse exister une partie, et quant aux seigneurs il prétend les exproprier. Mais quelle espèce d'expro- priation--par une commutation qui sera volontaire de la part des censitaires. Maint[en]ant il dit que ceux qui agissent comme législateurs et comme juges, sans que les seigneurs soient même représentés, doivent agir avec une justice parfaite, et ne peuvent exproprier personne que d'une manière légale. Est-ce ce qu'on fait quand on laisse aux censitaires la faculté de commuer ou non à leur gré?

Le membre pour Maskinongé a prétendu faire peu de cas de ce qu'on a décidé dans la Convention de Montréal, mais ce membre doit se rappeler qu'il y a eu à Montréal des délégués du District des Trois-Rivières et du District de Québec, et qu'il y a eu une conférence de délégués des différents Districts représentés à Montréal. Il parle plus librement de cette Convention parce qu'il n'était pas de l'opinion de la majorité, et il doit dire que la volonté du Bas y fut énergiquement exprimée. Le district de Montréal fut presque unanime dans sa demande pour une commutation immédiate; mais on comptait et on comptait avec raison sur l'aide du fonds consolidé, car le changement qu'on désirait opérer n'était pas seulement pour le bien du Bas-Canada, mais aussi pour celui du Haut-Canada. Le libre usage de tous les pouvoirs d'eau et le développement des manufactures est une avantage pour la province entière. Au reste quand on fait des coalitions et alliances, ce ne doit pas être tout pour un côté et rien pour l'autre, et si on donne toute la propriété située dans le Haut-Canada, on doit faire la même chose de la propriété située dans le Bas-Canada. Le Bas-Canada doit être pour quelque chose--les deux parties de la province doivent être égales, et on ne doit pas sacrifier tout pour ne rien gagner. Si le paiement de l'indemnité à même le fonds consolidé est un acte de justice, comme a dit le membre pour Maskinongé, alors le Bas-Canada a droit de le requérir, et les hommes dévoués aux intérêts du Bas-Canada doivent l'accorder. Ces hommes-là ne demandent que la justice égale, et le Haut-Canada ne doit pas avoir leur aide, s'ils ne l'obtiennent pas.⁸³

MR. CARTIER had carried his election namely because he had supported the bill of the last administration, and he had pronounced to his constituents that he would likewise support this. The present bill was in most of its features similar to the former one. The hon. member for Lambton opposed this bill, mainly (*sic*), because it was more favourable to the Censitaires than the last bill. He would like to know whether the hon. member would support the amendment of the hon. member for L'Assomption?⁸⁴ [He] desired the honorable member for Lambton to state what sum he and his Upper Canada friends would be willing to appropriate, to free the country at once from the Seigniorial Tenure.⁸⁵

MR. BROWN said that, if the Government would bring in a Bill for the total and immediate extinction of the Tenure, he, speaking for himself alone, would not object to a moderate demand being made on the public purse, in order to accomplish that object.⁸⁶

MR. CARTIER asked how much the honorable member meant by "a moderate demand." The honorable gentleman was well acquainted with the subject, had taken a leading part in all the debates, had read every document connected with the subject, and he considered he ought to be prepared to fix some sum.⁸⁷

MR. BROWN.--Could not guess the sum⁸⁸. He had never entered into any computation of the sum required, but if the Tenure were to be finally removed, he would be prepared to vote such an amount as would be equitable, under all the circumstances.⁸⁹ (Hear, hear.)⁹⁰

MR. CARTIER said, that the hon. member for Lambton ought to name a specific amount, which he would agree to being taken out of the Consolidated Revenue Fund for the extinction of the Tenure. Mr. Cartier went on to argue that the bill as between the Seignior and Censitaire was equitable.⁹¹

MR. MONGENAIIS dit qu'il n'avait pas l'intention ce soir de parler sur la mesure introduite par l'hon. procureur-général, mais qu'il se trouvait forcé, lui aussi, d'élever la voix et de dire que l'hon. membre pour Montréal, et que

celui de Drummond et Arthabaska, par leur déclaration pour l'abolition immédiate et compulsoire (sic) de la tenure seigneuriale, s'étaient compromis vis-à-vis de leurs constituants; qu'il était entièrement opposé, comme il l'avait toujours été, à l'abolition immédiate et forcée de la tenure seigneuriale, parce que, par ce moyen, on entraîne la ruine des censitaires, dont une partie a déjà été assez écrasée par les taux élevés des rentes; que l'hon. membre pour Drummond peut bien faire des calculs, mais que ces plans ne satiferont personne, qu'ils ne sont débités en chambre que pour jeter de la poudre aux yeux; que si l'hon. membre veut entreprendre de régler la tenure seigneuriale dans la seigneurie qui fait partie de son comté (celui de Vaudreuil) il s'oblige de lui donner jusqu'à la somme de £25 par habitant, avec un laps de temps pour le pauvre censitaire qui ne pourra payer de suite cette somme; mais toujours avec l'entente, que l'hon. membre devra donner des cautions pour cette liquidation finale des droits seigneuriaux, car il a appris avec chagrin que l'élection de l'hon. membre était contestée par cause de disqualification.--Que comme l'a dit son ami le député de Soulanges, il croit que ces hons. membres sont plus chauds partisans des seigneurs que de leurs censitaires.--Pour lui, M. Mongenais, il voudrait bien voir le droit de banalité entièrement détruit.--Qu'il croit qu'il est laissé encore trop de latitude aux seigneurs, mais tout cela pourra se régler quand la chambre se formera en comité.--Qu'il a entendu avec chagrin l'hon. député pour Montmorency proposer lui aussi un plan sur la tenure seigneuriale.--Qu'il a lieu d'en être surpris, car il n'y a que dans cette chambre que l'hon. membre suggère ses plans, et qu'il est surprenant de voir qu'il n'en a jamais été question dans son journal.--Qu'il serait assez avantageux dans le comté de Montmorency, où les censitaires n'ont presque pas de rentes à payer, mais que si les censitaires de ce comté avaient à payer 10 à 20 sols par arpent, il ne serait pas de cette opinion.--Qu'il ne faut pas législater pour une partie du pays au détriment de l'autre partie, mais que chacun doit y mettre un peu de bonne volonté, afin de faire passer une mesure pour l'avantage du plus grand nombre.⁹² [Il] assure la Chambre que dans son comté le peuple ne veut pas la commutation forcée. Ils ne la veulent pas non plus dans les comtés d'Argenteuil, de Laval, ni des Deux-Montagnes.⁹³

DR. MASSON dit que quand la chambre est appelée à discuter sur un sujet d'une aussi grande importance que celui de la tenure seigneuriale, il manquerait à son devoir de législateur, et ce serait montrer de l'indifférence pour les intérêts du comté qu'il a l'honneur de représenter, s'il ne se levait pas pour protester contre la mesure de l'hon. membre pour Montréal, tendant à faire établir le principe de la commutation immédiate et compulsoire des droits seigneuriaux, et à forcer les censitaires, bon gré, malgré (sic), de l'accepter.

M. Masson ne croit pas qu'il y ait des censitaires, dans aucune seigneurie, qui aient eu plus à se plaindre de la tenure que ceux qui, comme lui, possèdent des terres dans la seigneurie de Soulanges et Nouvelle Longueuil. Car dans ces seigneuries, le seigneur s'est fait payer non seulement ce qui lui était dû, mais il a aussi exigé de ses censitaires de fortes sommes, pour droits de banalité, retrait et autres restrictions, et réserves, bien qu'il n'en eût pas le droit par les ordonnances, et les lois du pays. Il n'y a pas le moindre doute, ajoute M. Masson, que si une si grande agitation a eu lieu dans le pays depuis surtout une dizaine d'années, c'est en partie le système vexatoire suivi dans la seigneurie de Soulanges, qui a donné l'élan.

Quant à lui, il est entièrement opposé à la commutation immédiate et compulsoire, et cela dans l'intérêt des censitaires qu'il a l'honneur de représenter, et il se croit en droit de dire aux hons. membres pour l'Assomption, et pour

Montréal, qu'ils se trompent, (et qu'ils le savent) lorsqu'ils proclament "que tous les habitants du district de Montréal, ceux des Trois-Rivières, même ceux de Québec, demandent la commutation immédiate et forcée.--Ces deux hons. messieurs prennent plutôt la défense des seigneurs que celle des censitaires qui ont eu le courage de les envoyer en chambre.

M. Masson dit que ces hons. messieurs ont trompé leurs électeurs, mais qu'il peut leur dire que les censitaires sauront leur rendre justice aux prochaines élections.

Pour sa part, il a consulté ses électeurs et tous s'accordent à demander la commutation volontaire, et tous demandent à être soulagés du fardeau qui les écrase. Ils se croiront heureux d'accepter tout acte qui aura pour but un remède quelconque à leurs maux. Il prend aussi l'occasion de remercier son hon. ami, (M. Mongenais) qui le premier s'est levé pour répudier ce qui a été dit à ce sujet, au côté gauche de la chambre.

Sur 65 membres Bas-Canadiens, d'après des renseignements qu'il a pu se procurer, il s'en trouve 36 pour la commutation volontaire, onze dont les votes sont douteux, et dix-huit pour la commutation forcée, et ces dix-huit, sont tous du parti de l'hon. membre pour Montréal, nonobstant leurs promesses aux électeurs.

M. Masson termine en disant qu'il devra voter pour la mesure introduite par l'hon. procureur-général, se réservant le droit de soutenir les amendements qui devront être faits dans le comité général.⁹⁴

MR. THIBAUDEAU then made some remarks in support of the bill.⁹⁵

The second reading was carried without a division.⁹⁶

(255)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Sir Allan N. MacNab,

*The House adjourned.*⁹⁷

[NOTICE OF MOTION RE: BILL TO REPEAL PART OF 12 VIC. CAP. 136 THAT ALLOWS POPE TO APPOINT BISHOPS.]

MR. MACKENZIE gave notice, that on 1st of Nov. he would move for leave to introduce.... a Bill to repeal so much of chapter 136 of the Statutes passed on the 30th May, 1849, (to incorporate as Corporations sole, and to give new and dangerous ecclesiastical powers to the Roman Catholic Arch-bishops and Roman Catholic Bishops in each diocese than existing in Lower Canada,) as enables the Pope, a Foreign European Potentate, to create, send hither from Rome, and maintain in our midst an unlimited number of now or additional Arch-bishops and Bishops of his Church and creed, and to parcel out Lower Can[a]da into now or additional Arch-bishopricks and Bishopricks, according to the absolute will and pleasure of an Italian Court--empowering the ecclesiastical "Corporation sole" thus to be organized to hold for ever, vest (sic) estates in land, for spiritual, temporal, charitable and educational uses, and exercise powers which are at variance with the spirit of our free representative institutions.⁹⁸

[NOTICE OF MOTION RE: BILL TO REPEAL ANY ENACTMENT THAT PROVIDES FOR PUBLIC REVENUE TO SUPPORT SEPARATE SCHOOLS.]

MR. MACKENZIE gave notice, that on 1st of Nov. he would move for leave to introduce.... a Bill for the immediate repeal, amendment, and avoidance of every enactment, or usage, which is held to maintain either directly or indirectly, or in any way to provide from the Public Revenue, for the support and maintenance of Sectarian Separate Schools, Colleges, and other Academical Institutions, which mix up Religion with party Politics, unite Church and compel Dissenters from certain favored creeds and sects to pay duties and taxes for the promulgation of Doctrines, the upholding of forms of religious worship and discipline, and the instilling into the minds of the youth of Canada, principles which large bodies of the people thus taxed, conscientiously believe to be untrue, unsound, unscriptural and unjust.⁹⁹

[NOTICE OF MOTION RE: BILL TO REPEAL SECTION 6, CHAPTER 63 AND SECTION 5, CHAPTER 64 OF STATUTES AUTHORIZING THE GOVERNMENT TO PENSION OFF JUDGES.]

MR. MACKENZIE gave notice, that on 1st of Nov. he would move for leave to introduce.... a Bill to repeal section 6 of chapter 63, and section 5 of chapter 64, of the Statutes passed May 30th, 1849, which authorizes the Government without any reference to, enquiry by, or vote of the Legislature, to pension off in all time coming, the Judges, Chief Justices, Chancellors, and Vice-Chancellors of the Courts of Queen's Bench, Chancery, and Common Pleas, by giving them severally, for doing nothing at all, an annuity or yearly pension for life equal to two-thirds of the amount of what was their several salaries or incomes while acting as such Judges, Chancellors, or Chief Justices, and paying them their pensions out of the proceeds of the taxes in the Provincial Chest in quarterly payments, free and clear of all those assessed taxes and deductions, to a share in which other people are properly made liable or subject.¹⁰⁰

[NOTICE OF MOTION RE: ORDER TO CLERK FOR A LIST OF CORPORATIONS THAT FAILED TO PROVIDE STATEMENTS.]

MR. MACKENZIE gave notice, that on 1st of Nov. he would move.... that the Clerk be directed to lay before the House a list of Public Officers, Commissioners,

Corporations or Societies, who, under the order of 14th September last, have been requested by the Clerk to make the Report or Statements required by Law, or by the Standing Orders of the House, and have failed to do so.¹⁰¹

[QUESTION AND ANSWER RE: SETTLEMENT OF THE TOWNSHIPS.]

MR. LABERGE [asked a question.]¹⁰²

MR. COM. CR. LANDS MORIN said the Government did not intend to introduce any new general measure for the settlement of the Townships.¹⁰³

[QUESTION AND ANSWER RE: DR. RYERSON'S EDUCATION REPORT.]

MR. MACKENZIE [asked a question.]¹⁰⁴

MR. AT. GEN. J.A. MACDONALD said that Dr. Ryerson's report for 1853 was not laid before the House owing to some accidental circumstances, though it was printed in the usual way.¹⁰⁵

[QUESTION AND ANSWER RE: MINING LICENCES.]

MR. JOBIN [asked a question.]¹⁰⁶

MR. AT. GEN. DRUMMOND said the Government had taken no general measures for granting licenses to work mines in the Province, but had granted mineral lands on certain conditions, among the rest that they should be worked.¹⁰⁷

[POSTPONED MOTION RE: A COMMITTEE OF THE WHOLE ON ASSESSMENT LAWS.]

MR. PRES. EX. COUN. MACNAB, who stated that the matter was under the consideration of the Government, [requested postponement of Mr. Cameron's motion.]¹⁰⁸

MR. CAMERON postponed his motion for going into committee on the whole on the assessment Laws of Upper Canada.¹⁰⁹

[WITHDRAWN MOTION RE: TEMPERANCE COMMITTEE MEMBERSHIP.]

MR. JACKSON moved that Mr. Brown be added to the Committee on Temperance.¹¹⁰

MR. BROWN hoped that this motion would not pass. He had full confidence in the Committee, as at present composed, and had far more already on his hands than he could perform. But there were two additions that certainly ought to be made to the Maine Law Committee. The hon. Inspector General and the Premier of the Government (Sir Allan McNab) ought undoubtedly to be placed on the Committee, now that the Government had adopted the principle of the Maine Liquor Law. (Hear, hear.) As the Government had the whole control of the system of taxation, and as the Maine Law would necessarily entail a change in that system, it was quite clear that the Bill should now be transferred to the hands of hon. gentlemen on the treasury benches. (Hear, hear.) The position of the present ministry towards the measure was entirely different from that of the late ministry last year; the gratifying support given to the Bill by the gallant knight and his colleagues, rendered it certain to be carried,--its principle was affirmed by a vote of 95 to 5, and it was only just that they should enjoy the opportunity of perfecting a Bill they had aided so largely in passing through its most difficult stage. (Hear, hear.) A great deal of preparation must necessarily be made for bringing the Bill into operation, which could only be properly seen to by placing responsibility in the hands of the Government. He hoped the hon. mover would consent therefore to the substitution of Sir Allan McNab and Mr. Cayley for his own name. If not, he would move an amendment to that effect.¹¹¹

MR. MACKENZIE said he would second the amendment.¹¹²

MR. INSP. GEN. CAYLEY begged to repudiate the idea that by voting for the Bill he committed himself to its principle.¹¹³

MR. JACKSON rose hastily and withdrew his motion, so that the amendment could not be put.¹¹⁴

[WITHDRAWN MOTION RE: PETITIONS CONCERNING MR. JUSTICE AYLWIN'S CONDUCT.]

CAPT. RHODES moved that copies of any petition presented to his Excellency the Governor General on the subject of complaints against the judicial conduct of his Honor Mr. Justice Aylwin, as well as of any correspondence relative thereto, be laid before this house. In submitting this motion, Mr. Rhodes said, that the duty he had undertaken was of a disagreeable nature, relating, as it did, to complaints against an individual occupying so high a position as one of the Judges of the Province, a position entitled to their utmost respect and veneration; but there were duties connected with the position of a member of Parliament which, though onerous and disagreeable, must not be neglected, and this was one of them.¹¹⁵ It was better that he (Mr. R.) should bring forward this motion than that any member of the legal profession should do so, as they might be suspected of being influenced in the matter, while he (Mr. R.) did not even know the learned judge, had never had any case before him and was not likely to have.¹¹⁶ Some months ago a petition was presented to the Governor General,¹¹⁷ by certain members of the legal profession praying the appointment of a commission to enquire into the conduct of Mr. Justice Aylwin, naming certain charges and offering to substantiate them. To that petition, no answer was returned.¹¹⁸ It was supposed that election business had prevented the Government from giving their attention to the matter. Another letter was therefore addressed to the government, which also was not replied to. He considered that this want of courtesy on the part of the government was, to say the least of it, improper. There was a very strong impression abroad in Lower Canada at the present moment that there ought to be some enquiry into the causes of the crimes constantly occurring, and that when men were being shot down in the streets, and violence offered to women on the public highways, and when the Judges were petitioned against, some notice of all this should be taken by the government.¹¹⁹

MR. AT. GEN. DRUMMOND pointed out the irregular course of proceeding adopted by the hon. member¹²⁰ by the Independence Act securing the independence of Judges, the executive had no right to inquire into the conduct of Judges, or to reprimand or scold them as had been done in some cases. The Judges were placed beyond the reach of executive power. There was but one course to be resorted to when Judges desecrated the important offices placed in their hands, and that was to lay a petition before this house. Whenever the Judges, however, stepped beyond the limits of their functions, and attempted to trench upon the duties of the executive, then indeed it would be found that the government would not allow such encroachments, and in cases where things of that sort had happened, the executive had known how to respect the power placed in their hands, but beyond that they could not go. If the conduct of Judges had been such as to call for reprehension, the course to be adopted by those who considered themselves aggrieved was to present a petition, and if two-thirds of both houses decided that they were worthy of censure, then the executive might act, but not till then. He did not see what connection the fact that persons had been shot down in the streets, or that violence had been offered to women on the highways, had with the

question whether Judges had properly discharged their functions or not.¹²¹ If the hon. gentleman could point out any case of that kind the government would see that justice was done to the offender.¹²² The hon. member could not surely mean that the present government had screened any such offences. As a proof that the very reverse was the case, he might mention that accounts had just been received of the conviction of a gang of counterfeiters, who, for the last twenty-five years, had been counterfeiting with impunity the bills of banks in the northern parts of the United States, but had now been brought to justice by officers of this government.¹²³

CAPT. RHODES, after the explanations given by the Attorney General, withdrew his motion.¹²⁴

FOOTNOTES: 30 OCTOBER 1854.

1. GLOBE, 8 November 1854 (in Scrapbook Hansard).
2. IBID.
3. IBID.
4. TORONTO LEADER, 7 November 1854.
5. MORNING CHRONICLE, 3 November 1854.
6. TORONTO LEADER, 7 November 1854.
7. MORNING CHRONICLE, 3 November 1854.
8. TORONTO LEADER, 7 November 1854.
9. MORNING CHRONICLE, 3 November 1854.
10. TORONTO LEADER, 7 November 1854.
11. MORNING CHRONICLE 3 November 1854.
12. TORONTO LEADER, 7 November 1854.
13. MORNING CHRONICLE, 3 November 1854.
14. TORONTO LEADER, 7 November 1854.
15. MORNING CHRONICLE, 3 November 1854.
16. IBID.
17. IBID.
18. TORONTO LEADER, 7 November 1854.
19. MORNING CHRONICLE, 3 November 1854.
20. LE PAYS, 3 November 1854.
21. MONTREAL GAZETTE, 4 November 1854.
22. TORONTO LEADER, 7 November 1854.
23. MONTREAL GAZETTE, 4 November 1854.
24. LE PAYS, 7 November 1854.
25. MONTREAL GAZETTE, 4 November 1854.
26. MORNING CHRONICLE, 3 November 1854.
27. MONTREAL GAZETTE, 4 November 1854.
28. LA MINERVE, 9 November 1854.
29. LE PAYS, 3 November 1854, which also states: "M. Loranger se leva ensuite, avec l'air d'un homme qui va faire un long discours, et débuta d'une manière pompeuse et emphatique; mais soit qu'il fût mal disposé ou qu'il ne se sentit pas la force de défendre le bill, tel que proposé, il ne parla qu'environ cinq minutes, et s'assit subitement."
30. LE PAYS, 7 November 1854.
31. IBID.
32. MONTREAL GAZETTE, 4 November 1854.
33. LE PAYS, 7 November 1854.
34. MORNING CHRONICLE, 3 November 1854.
35. LE PAYS, 7 November 1854.
36. MONTREAL GAZETTE, 4 November 1854.
37. LE PAYS, 7 November 1854.
38. MONTREAL GAZETTE, 4 November 1854.
39. LE PAYS, 7 November 1854.
40. MONTREAL GAZETTE, 4 November 1854.
41. LE PAYS, 7 November 1854.
42. MONTREAL GAZETTE, 4 November 1854.
43. LE PAYS, 7 November 1854.
44. MONTREAL GAZETTE, 4 November 1854.
45. LE PAYS, 7 November 1854.
46. MONTREAL GAZETTE, 4 November 1854.

47. LE PAYS, 7 November 1854.
48. MORNING CHRONICLE, 3 November 1854.
49. LE PAYS, 7 November 1854.
50. MONTREAL GAZETTE, 4 November 1854.
51. LE PAYS, 7 November 1854.
52. GLOBE, 8 November 1854 (in Scrapbook Hansard).
53. LE PAYS, 7 November 1854. Ellipsis represents illegible amount.
54. IBID.
55. IBID.
56. GLOBE, 8 November 1854 (in Scrapbook Hansard).
57. LE PAYS, 7 November 1854.
58. GLOBE, 8 November 1854 (in Scrapbook Hansard).
59. LE PAYS, 7 November 1854.
60. GLOBE, 8 November 1854 (in Scrapbook Hansard).
61. LE PAYS, 7 November 1854.
62. IBID.
63. IBID.
64. IBID.
65. GLOBE, 8 November 1854 (in Scrapbook Hansard).
66. MORNING CHRONICLE, 3 November 1854. LE PAYS, 3 November 1854 claims:
 "M. Felton ... fit un discours d'environ une heure, sans être écouté de
 personne comme d'habitude, car il s'est rendu tellement insupportable à
 la Chambre, en parlant à tort et à travers sur toutes les questions, que
 quand il commence à parler une grande partie des Membres se retire, et
 ceux qui restent sont obligés de dormir."
67. TORONTO LEADER, 7 November 1854.
68. GLOBE, 8 November 1854 (in Scrapbook Hansard).
69. MONTREAL GAZETTE, 4 November 1854.
70. GLOBE, 8 November 1854 (in Scrapbook Hansard).
71. MORNING CHRONICLE, 3 November 1854.
72. GLOBE, 8 November 1854 (in Scrapbook Hansard).
73. MORNING CHRONICLE, 3 November 1854.
74. GLOBE, 8 November 1854 (in Scrapbook Hansard).
75. IBID.
76. GLOBE, 8 November 1854 (in Scrapbook Hansard).
77. MORNING CHRONICLE, 3 November 1854.
78. GLOBE, 8 November 1854 (in Scrapbook Hansard).
79. MORNING CHRONICLE, 3 November 1854.
80. GLOBE, 8 November 1854 (in Scrapbook Hansard).
81. LE PAYS, 7 November 1854.
82. IBID.
83. IBID.
84. MORNING CHRONICLE, 3 November 1854.
85. GLOBE, 8 November 1854 (in Scrapbook Hansard).
86. IBID.
87. IBID.
88. MORNING CHRONICLE, 3 November 1854.
89. GLOBE, 8 November 1854 (in Scrapbook Hansard).
90. MORNING CHRONICLE, 3 November 1854.
91. IBID.
92. LA MINERVE, 9 November 1854.
93. LE PAYS, 7 November 1854.
94. LA MINERVE, 9 November 1854.

95. MORNING CHRONICLE, 3 November 1854.
96. TORONTO LEADER, 7 November 1854.
97. GLOBE, 8 November 1854 (in Scrapbook Hansard) states: "The House adjourned at midnight."
98. MACKENZIE'S WEEKLY MESSAGE, 17 November 1854.
99. IBID.
100. IBID.
101. IBID.
102. Telegraph (MORNING CHRONICLE, 31 October 1854).
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. GLOBE, 8 November 1854 (in Scrapbook Hansard).
109. IBID.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. TORONTO LEADER, 7 November 1854.
117. GLOBE, 8 November 1854 (in Scrapbook Hansard).
118. TORONTO LEADER, 7 November 1854.
119. GLOBE, 8 November 1854 (in Scrapbook Hansard).
120. TORONTO LEADER, 7 November 1854.
121. GLOBE, 8 November 1854 (in Scrapbook Hansard).
122. TORONTO LEADER, 7 November 1854.
123. GLOBE, 8 November 1854 (in Scrapbook Hansard).
124. IBID.

(255)

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Merritt,--The Petition of Charles R. Black and others, of the County of Renfrew.

By Mr. Fournier,--The Petition of the Reverend F.X. Delage and others, of the Seigniorship of St. Cyrille de Lessard, County of L'Islet.

By Mr. Darche,--Three Petitions of Simon Bertrand and others; the Petition of Nicolas Brouillet and others, of the Parish of St. Mathias, County of Rouville; and the Petition of Pierre Reneau and others, of Boucherville and St. Bruno, County of Chambly.

By the Honorable Mr. Robinson,--The Petition of James Durand and others, Registrars of Counties in Upper Canada.

By Mr. Munroe,--The Petition of Bowmanville Division, No. 39, of the Order of the Sons of Temperance.

(256)

By Mr. Patrick,--The Petition of Wellington H. Richmond, of the City of Toronto.

Mr. Prévost reported from the Select Committee on the Bill to allow Notaries to receive the advice of relations and friends without being thereto authorized by a Judge in all cases in which the Judges may delegate their powers to Notaries, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twelfth Report of the said Committee, which was read, as follows:--

Your Committee have examined the Petition of Richard Coleman and others, of the Village of Lyn, Canada West, and find that Notice has been fully given.

The Petition of Hugh Allan and others, for incorporation of the Montreal Ocean Steamship Company, is of such a nature as to require a Notice under the terms of the 62nd Rule, which Your Committee find has not been given; it does not appear to Your Committee however, that the granting of the powers applied for by the Petitioners can have any injurious effect upon private interests, and they therefore beg leave to recommend a suspension of the 62nd Rule.

The Petition of the Mutual Assurance Association of the Fabriques of the Dioceses of Montreal and St. Hyacinthe, for power to Justices to administer oaths to witnesses and others in matters connected with their affairs, does not appear to Your Committee of such a nature as to require Notice.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Montreal Ocean Steamship Company.

Ordered, That Mr. Holton have leave to bring in a Bill to incorporate the Montreal Ocean Steamship Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Petition of James Mason and others residing on the proposed line of the Montreal and Kingston Railway, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. RANKIN moved an Address to His Excellency the Governor General, praying for information as to the nature of the title granted to the parties who enjoy the exclusive right to the fisheries at Peach Island and Fighting Island in the River Detroit, and at Point au Pele[e] in (sic) Lake Erie. Mr. R. said he was desirous of obtaining this information, because the titles granted to those parties were obtained many years ago, when the fisheries were not nearly so valuable as they are now. He believed a very large sum might now be obtained by putting them up to public competition.¹

(256)

*On motion of Mr. Rankin, seconded by Mr. Powell,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying for information as to the nature of the Title granted to the parties who now enjoy the exclusive right to the Fisheries at the following places: Peach Island and Fighting Island in the River Detroit; and Pointe Pelée on Lake Erie.*

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the re-investment of the proceeds for the ob-

(257)

jects of the trust," with an Amendment to the English Version only, to which they desire the concurrence of this House: And also,

The Legislative Council (sic) request this House to give leave to the Honorable William B. Robinson, and Arthur Rankin, Esquire, two of their Members, to attend and give evidence before the Select Committee of the Legislative Council appointed to inquire into the accusations made against the Members of the late Administration.

And then he withdrew.

Resolved, That this House will send an answer to the said Message, by Messengers of their own.

And the Master in Chancery was called in, and Mr. Speaker acquainted him therewith.

And then he again withdrew.

The Order of the day for the House in Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;

MR. AT. GEN. J.A. MACDONALD (Kingston) moved, that the House go into Committee on the bill, to make better provision for the appropriation of the Clergy Reserves fund.²

MR. BROWN rose to move the amendments of which he had given notice. He said--In rising to move an instruction to the Committee of the whole, I think it is necessary that I should state the very great disadvantages under which we proceed to the consideration of this question, in consequence of the papers moved for many days ago not having been sent down by the Government. We have

asked for information as to who are the incumbents protected by the Imperial Act, what amounts have been paid to them annually, what Clergy Reserve Lands are yet for sale, in what townships they are situated, what is the value of them, and also what sums have been realized out of previous sales and are now at the disposal of this House. This information we have not yet received, and I ask how is it possible that we can go into Committee and properly discuss the details of this measure without it (Hear, Hear.) I consider it a most extraordinary thing that the Government should not have given us full information on all these points.³ There seemed to be a determination to force the House⁴ to proceed to the consideration of the question, blindfold[ed], (hear, hear;)⁵ however, in the absence of that information,⁶ I presume there is nothing for us but to submit. It is a fortunate circumstance that, in coming to the discussion of the Clergy Reserve question, it is stripped of very many of the difficulties which formerly embarrassed it. We have not now to discuss the great question of the right to secularize, formerly at issue, for that I take it has been settled by the overwhelming vote of this House a few nights ago,⁷ for the second reading⁸, in favour of the principle embodied in the third clause of the Bill, that it is desirable to remove all semblance of connection between Church and State and to effect an entire and final disposition of all matters, claims and interests arising out of the Clergy Reserves, by as speedy a distribution of their proceeds as may be. (Hear, hear.) After the endorsement of this principle by the House of Assembly it is manifestly unnecessary that we should discuss the propriety of secularization. One point, however arose in the debate on the second reading, which is worthy of notice, and that is the⁹ mistake which is repeatedly made in asserting, that these Clergy Reserves were originally voted for the support of¹⁰ a particular Church¹¹, the church of England¹², or Churches. Now, sir, if we look to the evidence given before the House of Commons Committee in 1828, I think nothing could be brought out more clearly than that the intention of the Government in 1791 was to appropriate those Reserves for the benefit of all Protestant denominations and no one can read the statute without seeing that it was only setting the machinery in operation by which a fund might be supplied for the support of the Clergy, if that were thought to be desirable, at a future period by the people of Canada.¹³

MR. GAMBLE.--That is only your idea.¹⁴

MR. BROWN.--If it is only an idea, it must be an idea entertained by the hon. gentlemen on the Treasury Benches, who have brought in this Bill, and by the hon. Members who support them in it. (Hear, hear.) It has often been said that, in voting for the secularization of the Reserves, we are voting against religion, and that it is an infidel measure. Now, for my part, if I believed that the vote I gave for the second reading of this Bill, or any other vote I may yet give upon it, would tend in any way to the injury of religion, I would be the last to record it. But, Sir, I vote for the secularization of the Clergy Reserves in the full belief not only that it is consistent with the wishes of the people of Canada, but that the secularization of the Reserves will tend more to advance the cause of religion than any other step we can take. (Hear, hear.) I do believe that religious truth is able to stand without the assistance of the State. I do believe that it will be far more pure by being left to be upheld by the voluntary contributions of the Christian people, than by receiving any State support that can be given to it. (Cheers.) I do believe that, not only as regards one church, but as regards all churches, wherever the clergy have been left to depend on the people, they have done their duty more

faithfully, and have seen to the interests of the destitute who are without the means of Christian education, far more zealously than when the State has supplied the means of their support. (Hear, hear.) Look at the distribution of the Reserves in Upper Canada. Have they been applied in sending the gospel into remote and destitute districts, or have they not rather been distributed in the large towns and cities, where the people were in the very best circumstances to support their clergy? It is in Toronto and Kingston, and other great towns that you find a large proportion of the clergymen receiving support from the Clergy Reserve Funds. Of 150 clergymen in Upper Canada paid out of the Reserves, it has been computed that 50 were preaching to 100,000 people, while the remaining 100 were preaching to all the rest of the community. The State-paid clergy are congregated in the cities, while in the backwoods, where they are most required, they are very seldom found. (Hear, hear.) It is a fact here, as in England and everywhere else, that in the most destitute places it is not the State-paid clergy who are found, but the Dissenters. (Hear, hear.) I throw out these remarks, Mr. Speaker, merely in defence of the position we take as secularizers, and not to induce an argument, because I believe the time for argument on this score is passed; the leaders of the Conservative party, and the Conservative party themselves who have gone over to the support of the Administration, having adopted the principle for which we have so long contended, and which they as strenuously denounced (sic). In these circumstances we are not called upon to defend the principle of the Bill, but merely to consider its details. But, while I still maintain the ground which I took on the first and second readings of this Bill, that we must give credit to the Government in their professed desire of sweeping away the Reserves altogether, and of destroying all connection between Church and State, I must say that the details of the Bill are not at all in consistency with the principle laid down. (Hear, hear.) While I agree to the professed principle of the Bill, I utterly dissent from its details. Hon. gentlemen on the Treasury Benches cannot say that in this matter the opposition have shown any party feeling or any desire to throw obstacles in their way; on the contrary we have shown the utmost desire to join them in making a good measure that will meet the wants and wishes of the country. I ask them to meet us in the same spirit, that we may have a measure that will finally settle this vexed question, and dismiss it for ever from the political arena. (Hear, hear.) But if hon. gentlemen opposite show a different spirit, and say, We have committed ourselves to certain clauses, and we mean to adhere to those clauses whether they are right or whether they are wrong,--or, if they say, this must be done because the clergy insist upon it, or that other must be done for some reason that does not commend itself to the good understanding of this House,--if that course is taken we shall never reach the conclusion which we all desire. (Hear, hear.) The first objection I shall state to the Bill refers to its fourth clause, which provides that all the principal and interest coming into the Clergy Reserve Fund shall be allowed to accumulate until a sufficient fund has accrued, the interest of which will meet the annual payment of the stipends and allowances.¹⁵

MR. AT. GEN. J.A. MACDONALD.--Enough has accrued already for that purpose.¹⁶

MR. BROWN.--Will the hon. gentleman be kind enough to explain, as we are very much in the dark on that point, not having received the papers moved for.¹⁷

MR. AT. GEN. J.A. MACDONALD.--I would prefer that the hon. member should go on with his remarks. As to the delay in laying the information moved for,

before the House, I may mention that one important item of the enquiry was as to the ages of the incumbents, a matter which it requires some time to ascertain.¹⁸

MR. BROWN.--I cannot see why there was any necessity to wait for that. At this stage of the discussion, it is not the ages of the incumbents we require, but the amounts payable to them, and the available amount of the Clergy Reserve Fund at this moment.¹⁹

MR. AT. GEN. J.A. MACDONALD.--The hon. member will receive that information from the public accounts.²⁰

MR. BROWN.--It is impossible to arrive at any certain deductions from the public accounts without some explanations. Does the hon. gentleman mean to say that a fund has already accrued (sic) sufficient to yield an annual interest equal to the stipends to be paid to the Clergy?²¹

MR. INSP. GEN. CAYLEY answered in the affirmative if cash and the instalments on lands sold were included.²²

MR. BROWN.--The honorable Inspector General has given us information which is not obtained from the public accounts. It would appear that enough has accrued to produce an annual interest equal to the stipends annually to be paid, and probably a small surplus. Then, by the provisions of the Act this fund is to remain in the hands of the Receiver General, and to be held there as long as may be necessary to defray the pensions; as the incumbents die out, so much more of the principal, at the option of the Government, shall be divided among the municipalities; and as the rest of the fund comes in, in the shape of payments for lands sold, arrears, &c., that also will be distributed among the municipalities, I think there are very great objections to this scheme. We shall have this large sum of money,--some three millions of dollars,--kept in the hands of the Government for a number of years, to provide for the payment of the stipends, and the matter will thus be left as much open for future agitation as it has been for years past. Supposing that contentions should arise in the municipalities about the distribution of the fund, or suppose that in some cases it should be wasted, or some municipalities should complain that they were not receiving an equal share,--it is quite evident that in many contingencies a new agitation might be got up as to the disposal of the large sum still left in the hands of the Government, and the large amounts continually accruing from new sales of lands year after year. Under the present Act, it may be fifty years before the fund is wound up. There is no finality about the measure as it now stands. I think this is the great objection to the main part of the scheme,--that it does not effect an immediate and final settlement, but leaves the whole thing just as open to agitation in future years, as it has been in the past. (Hear, hear.) Will not those ecclesiastical bodies, and those clergymen who are now pressing their claims, be as active as ever in their agitation, even after this measure is passed? And will they not be as ready as ever to bring up schemes for having the funds restored to them? It is quite obvious that, so long as that large fund continues a tempting bait in the hands of the Government, schemes will be perpetually agitated for altering the disposal of it. (Hear, hear.) But, objectionable as is this feature of the Bill I think, that which is fastened on it is still more objectionable. I allude to the third clause, in which commutation is permitted at the option of the Government, and which runs thus: "Be it therefore enacted, that the Governor in council may, whenever he may deem it expedient, with the consent of the parties or bodies severally interested,

commute such annual stipend or stipends, allowance or allowances, for the value thereof, to be calculated at the rate of six per cent, per annum, upon the probable life of each individual, or upon an average not exceeding ____ years' purchase, on the lives of all the incumbents so entitled belonging to the same religious denomination; and in the case of religious bodies at ____ years' purchase." Here is a scheme, by which the Government may go [to] the Church of England or the Church of Scotland, or the Church of Rome, or any other body whose ministers are obtaining money from the fund, and hand over to it any sum which they may think expedient, and leave the religious body to use it for any purpose it may choose. If such a commutation is made, there is nothing to prevent them from investing the amount in real estate, and building up a worse evil than that which has hitherto been contended against and we are now seeking to overthrow. (Hear, hear.) Why should there be any commutation? Why should we not rather give the necessary amount into the hands of the Government, and let it pay the stipends? We have nothing to do with religious bodies in this matter. It is with individuals, and with them alone that we have to do. (Hear, hear.) All that is required of us is that we shall not do injustice to individuals,--that parties who have come out to settle here as clergymen, on the representation that they should receive certain allowances from public funds shall not be sent adrift. That is the whole amount of our obligation, and not that we shall continue to grant to any one religious body. Shew us that any individual suffers, and we shall deal with that individual, but why should we hand over to religious bodies, for the benefit of individuals, a very large sum which may never come to them? Or why should we hand over to the individuals themselves a large sum of money at once, without any guarantee for the performance of those duties for which they receive it? One very objectionable feature of this clause is, that it is left entirely in the hands of the Government, to judge whether that commutation shall be effected or not. Now, notwithstanding the great confidence I of course have in hon. gentlemen opposite, (laughter,) I would not like to hand over to them the full power to decide how much the Bishop of Toronto, for example, should receive as a full commutation for all his clergy. (Hear, hear.) It is quite clear that a very great affection exists between the Bishop of Toronto and honorable gentlemen opposite; and the hon. gentlemen, I should think, would not themselves like to assume such a responsibility. They must feel that it would be better that the names of all the incumbents should be placed in the Act, and the sums they are to get put opposite their names. (Hear, hear.) If the Government insist on this feature remaining in the Act, I must say frankly I will doubt very much whether it is a secularization measure at all, or whether it might not more properly be called a bill to "adjust" the Clergy Reserves, and to adjust them in a way very acceptable to the dominant religious bodies. (Hear, hear.) The great objection then to be made to this Bill, I consider, is the want of definiteness in its provisions, and its want of finality. I think the Reserves should be made to come to an end immediately; and I cannot see why you may not provide for the winding up of the whole fund within a limited time, according to the principle laid down in the Bill. With that view, I have prepared a scheme which I propose to submit to the House in the way of instruction to the Committee of the Whole. It is to the following effect:--

"That it be an instruction to the said Committee that, for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:

"1. That an estimate be forthwith made of the capital sums, which upon the established principles for ascertaining the value of terminable annuities,

would be equivalents for the assumption of the annual stipends or allowances of Upper and Low[er] Canada respectively, guaranteed under the late Imperial Clergy Reserve Act.

"2. That all Lands, Arrears, Proceeds, Investments, Interest Dividends, Rents and Profits belonging to the Clergy Reserve Funds be transfer[r]ed forthwith to the Crown, at a valuation to be now made--separation of the Funds of Upper and Lower Canada being maintained;--that so much of the same as may have been ascertained as aforesaid, to be the Capital value of the stipends or allowances of Upper and Lower Canada respectively guaranteed under the Imperial Act, be placed in the consolidated Fund of the Province to provide for the payment of such stipends or allowances, and that the said stipends or allowances shall thereupon become secured on the same and be an annual charge thereon.

"3. That the whole remainder of the Clergy Reserve Funds of Upper and Lower Canada respectively, be forthwith distributed, in each Province, among the several County and City Municipalities, according to Population, in Cash or Debentures, or a portion of each, as the Public convenience may render it expedient.

"4. That there be no commutation of the stipends or allowances secured under the late Imperial Act, but the individuals interested be secured in the annual allowances guaranteed to them under the said Act, subject to all the existing conditions of their incumbencies (sic).

"5. That all amounts, sums and valuations referred to in the foregoing Resolutions, and the names and descriptions of all parties to be entitled to any stipend or allowance under the same and the sums to which they shall be so entitled, be forthwith ascertained and specified in the Bill or in Schedules to be attached thereto."

According to this scheme (continued Mr. B.) all the stipends payable under this Bill shall be ascertained, with the ages of the parties to whom they are payable, and an estimate will be made of the sum which must be retained to provide those stipends, according to ordinary tables of Life Assurance. In the next place the whole of the lands, proceeds, investments, &c., of the Clergy Reserve fund shall be handed over to the Crown at a valuation, and become the property of the people, the amount ascertained to be the capital value of the stipends being placed in the consolidated fund of the Province, for the purpose of paying those stipends, which shall then become a burden on the public purse; and the balance shall be distributed at once among the Municipalities, either in hard cash or in debentures. The only difficulty about the scheme is in regard to the lands unsold or unpaid, but that may be easily got over. They might be taken at a low valuation by the Crown, and debentures issued by the Government payable at such periods as they would be certain of having realized enough to meet them. Although the valuation were too low, it would be of very little consequence, for the value of the lands would go into the public chest, and no one would be damaged by it. Or the lands might be sold at once, either for cash or for payments to be made within a certain time. The better plan, however, I think, would be to sell them to the Government at a low valuation, and thus sweep off the whole Clergy Reserve fund at once. It appears to me that the scheme is so clear, so complete, and would settle the question so much to the satisfaction of every one, that those who are desirous of having the whole question swept away at once and forever should not hesitate to adopt it. (Hear, hear.) In reference to the distribution of the proceeds among the Municipalities, "according to population," it has been suggested by some hon. gentlemen that a distribution according to population would be unjust to the new counties,²³ where the population increased rapidly,²⁴ and that in fact coun-

ties and townships with a very scanty population need it more than the counties which are densely populated. They say that the county of York, for example, will get an immense share, although it least wants it; while other counties, sparsely settled and much in need of assistance will get very little. Perhaps some scheme might be suggested to place the distribution on a footing of greater fairness. However, if no such arrangement can be made, I am willing to adopt the Government scheme; I desire to say that so far as mere details are concerned, I am willing to yield to anything almost that the Government propose, provided only they will but give us a final and determinate settlement. (Hear, hear.) My objection to their scheme is that it leaves the matter open for future agitation and leaves dangerous power in the hands of the Executive. (Hear, hear.) There are two other points that I will advert to, before sitting down. The hon. Attorney General, in moving the second reading of the Bill, admitted that the scheme I have proposed is one which it would be very desirable to adopt, but he said there were two objections to it, and I wish to recall the attention of the House to those objections. He alleged in the first place, that the Imperial Statute would not allow of it, and in the next place that the clergy would not consent to have their allowances secured on the consolidated Revenue, but must have a special fund. Now I beg the attention of the House to the fact that my resolutions are in complete consistency with the Imperial Act, and that I have adopted its very words. The Imperial Act says:--

"Provided always, that it shall not be lawful for the said Legislature to appropriate or apply to any other purposes, such part of the said proceeds, investments, interest, dividends (sic), rents and profits as may be required to provide for the payment of such stipends and allowances during such lives and incumbencies."

In my resolution I have adopted the very words of the Act, in saying that "the capital value of the stipends or allowances of Upper and Lower Canada respectively guaranteed under the Imperial Act, be placed in the consolidated fund of the Province to provide for the payment of such stipends or allowances, and that the said stipends or allowances shall thereupon become secured on the same and be an annual charge thereon." It is clear that the hon. gentleman's argument (sic) on that point is quite untenable, and that my scheme is strictly in keeping with the Imperial Act. Then in regard to what the incumbents would do; I think the hon. gentleman must be mistaken when he says they would make the slightest objection to this. Would the hon. gentleman deny for a moment that the security of the Province--a pledge of its revenue for those stipends by a solemn Act of the Legislature--is not as good security as could be found in the world? Has Canada ever repudiated one shilling of her obligations? And what security do the Government themselves propose to give? Why, identically the same security as that which my scheme proposes. The fourth class of their Bill provides that "so long as any such stipend or allowance shall be chargeable upon either of the said Municipalities' funds, a portion of such fund producing every such stipend or allowance then chargeable thereon, shall be retained by the Receiver General, and appropriated for that purpose, and if not already invested, shall be by him invested in public British Securities, or in any Provincial debentures or securities which under the Act to establish freedom of Banking or any Act amending the same, may be accepted by the Receiver General in exchange for registered Bank Notes, as the Governor in Council shall from time to time direct." According to the Government scheme itself then, the principal which they are to keep in their hands till the incumbents die out, is to be invested in Provincial securities, and I would like to know if the security of Provincial debentures will be one whit (sic) better

security than having an Act of Parliament securing those payments on the consolidated Revenue? If the Province could repudiate the one, it could as easily repudiate the other. (Hear, hear.) I do hope that the Government will consent to amend their Bill in those points, that it may bear the mode of settlement on its face and that nothing may be left at the option of the Executive--so that every one may know the time and the manner in which the whole thing shall come to an end. Mr. Brown then moved the first three of the instructions given above, seconded by Mr. Freeman.²⁵

MR. AT. GEN. J.A. MACDONALD said when he introduced the bill, and heard²⁶ the remarks of the hon. member for Lambton, and the hon. member for Glengarry,²⁷ [saying] it was a liberal measure,²⁸ as to the spirit in which they received it, I was satisfied that the whole ingenuity of those hon. members would be exercised for the purpose of finding fault²⁹ with it.³⁰ I am satisfied that the hon. member for Lambton³¹ was only pursuing his vocation as a member of the opposition³², not with the view of discussing the measure on its own merits, but for the purpose of making it the means of an onslaught on the Government.³³ He (Mr. M.) stated that he desired it to be a final settlement of the Clergy Reserves' question, and he had hoped that the measure would be received as such by honorable members, although it might not be the very best one that could be devised for the accomplishment of the objects in view.³⁴ The first objection made by the hon. gentleman is that there is to be a separate and distinct fund,³⁵ kept up for each section³⁶ for the payment of the stipends,³⁷ instead of sweeping the whole thing into the consolidated Revenue. Now what in substance is the difference between³⁸ this and the payment of them out of the consolidated fund,³⁹ beyond the keeping of another account in the Receiver General's Office,⁴⁰ instead of one⁴¹ involving perhaps the expense of having one Clerk the more.⁴² The incumbents would be just as secure in having their incomes charged upon the Consolidated fund as upon the Special fund.⁴³ But the reason why a separate fund is requisite is, as I have said before and which the argument of the hon. gentleman did not remove,⁴⁴ it was a matter of necessity, that if they wished to have a bill which agrees with the terms of the Imperial Act, they must keep up so much of the Clergy Reserves Fund as would secure incomes to the incumbents during their lives.⁴⁵ "The second clause of that statute read:--Provided, That it shall not be lawful for the said Legislature, by any Act or Acts thereof, as aforesaid, to annul, suspend, or reduce any of the annual Stipends or Allowances which have been already assigned and given to the Clergy of the Churches of England and Scotland, or to any other Religious Bodies or Denominations of Christians, in Canada, (and to which the Faith of the Crown is pledged) during the natural Lives or incumbencies of the Parties now receiving the same, or to appropriate or apply to any other Purposes such Part of the said Proceeds, Investments, Interest, Dividends, Rents and Profits as may be required to provide for the Payment of such Stipends and Allowances during such Lives and Incumbencies."⁴⁶ The Act is clear, and ... to pass any Act containing any infringement of this clause,⁴⁷ to make these stipends payable on the consolidated fund, and to abolish the fund which the Imperial statute declared shall be kept up,⁴⁸ would be simply⁴⁹ null and void⁵⁰, and leave the question where we found it⁵¹, instead of settling the question ... for ever.⁵² It is not enough for the hon. gentleman to say that his scheme is precisely the same thing. We have only got a limited power, and we can only act within the limits imposed by the Imperial Statute. No matter though it could be proved to a demonstration that it amounts to the same thing, if it is not identically the same thing, it would be an infringement of this Act. And granting that the ... incumbents would be just as secure, and I am not disposed

to deny that they would be just as safe, by having their stipends secured on the Consolidated Fund instead of a Special Fund, still it would be an infringement of this Act, and our Act would only be a piece of waste paper. It was therefore not a matter of choice but of necessity with the Administration to provide a special fund. And, moreover, it is well known that this measure meets with the most stern opposition of the ecclesiastical authorities of the churches, which have hitherto received benefit from the Clergy Reserves. They will spare no pains and no exertions to prevent its going into operation.⁵³ The Government was openly told⁵⁴ by a very influential and highly respected dignitary of the Church of England, the Bishop of Toronto, that such would be the case. And do you think that, if we passed an Act infringing upon that clause of the Imperial Act, they would not press that consideration on the Imperial Government, so that our Act might be declared null and void. Besides, it is not enough for us to say that we consider the consolidated revenue to be as good a security as a special fund. The gentlemen concerned, hostile to⁵⁵ the act of 1840,⁵⁶ may have a different opinion, and may refuse to trust their fortunes to the consolidated fund.⁵⁷ If the bill were passed, abolishing this fund, it would have to be laid before the Colonial Secretary; and nothing but an enabling act could remedy the difficulty. Let it not be thought that the Bishop of Toronto and other parties interested, would not press that view on the legal advisers of the Crown, that they would fail to point out the illegality of such a provision.⁵⁸ Smarting under a sense of wrong, real or supposed, they will insist on having to the very letter what the Imperial Statute entitles them to. For my own part, I believe that the province will never repudiate its debts, but those gentlemen are not bound to trust to that when they have the special fund reserved for them by Imperial authority.⁵⁹ The hon. gentleman said the fund may be invested in debentures. Just so; these debentures were a first charge on the revenue, and the security they afforded was better than that of the consolidated fund, which would have been weakened by this first charge upon it.⁶⁰ The honorable member for Lambton knew that as to the consolidated Debentures, the Province is prevented by solemn engagement, from increasing its debt.⁶¹ The next objection the hon. gentleman takes to the Government scheme is in reference to the provision it makes for continuing the allowances for a certain number of years to certain religious bodies and churches. I had thought that that was fully explained and gone into before. The hon. gentleman says that the faith of the Government is not pledged to those bodies, the Wesleyan Methodists and the Roman Catholics for instance, who⁶², it was well known⁶³, have no incumbents, and receive sums from the Reserves en bloc, in a lump. I hold that the faith of the Government is pledged to those bodies in the same way as it is pledged to the incumbents of other churches. It is true that the Imperial Act merely says that the allowances shall be paid "during the natural lives or incumbencies," but the reason of that expression is obvious. In framing the Act,⁶⁴ the Imperial Parliament, took it for granted in 1791 that there were incumbents⁶⁵ in all the churches which received aid, just as in the Church of England, and they worded their Act accordingly. But, although in these two cases the money is paid, not to the incumbents but to the bodies, the faith of the Government is pledged to those bodies by the Act of 1840, just as much as⁶⁶ to incumbents of the Church of England or Scotland.⁶⁷ The money which goes to the Wesleyan Methodists, I believe, is generally appropriated to missions. The grant to the Roman Catholic church is paid over to the Bishop or Bishops, and by them distributed among their clergy or for ecclesiastical purposes, according to the rules of their church, without any reference to incumbencies. But, though there are no incumbencies, it is still an allowance under the terms of the Imperial Act,

and must be provided for accordingly⁶⁸; the municipal statute equally recognized their claims, and the only effect of trying to deprive⁶⁹ those churches of their allowances, would be to prevent our Act from receiving the Royal Assent. In regard to the question for how long they shall be paid, the views of the Government on that point will be stated afterwards at the proper time. The hon. gentleman objects to the Government having the power of⁷⁰ commuting with the incumbents.⁷¹ In reference to this point, it will be remembered that the Bill of the late administration was differently framed, and that it was there provided that it should be at the option of the incumbent to commute on certain well understood principles of commutation.⁷² The objections taken to that plan by the public press, and those objections were valid, were that⁷³ if an incumbent had the option of capitalizing his income at once, there was nothing to prevent him from getting the amount, throwing up his cure, and going off to Australia or anywhere else with his money in his pocket, money in return for which he had not discharged the duty required of devoting the rest of his life to the spiritual care of his benefice. The present scheme is not open to that objection.⁷⁴ To guard against this it was necessary that the option should be not in the incumbents, but in the government⁷⁵, [and] that the incumbent is obliged when he receives his stipend to satisfy the Church of which he is a member, that his duty shall be faithfully performed.⁷⁶ The hon. gentleman objected that the measure was not final. So long as⁷⁷ in the uncertainty which always attends the course of human affairs, it may be that we cannot look forward and prognosticate what future legislation may take place, and in that sense the measure is not final, but, in so far as finality is possible, it is secured by this Bill. A fund sufficient, but not more than sufficient, is set aside for the purpose of indemnifying the clergymen against all possibility of losing their incomes. Already a fund has accrued sufficient to pay all these charges, and leaving a balance for distribution within a year among the municipalities. As the incumbents die out, the surplus proceeds will be divided among the municipalities, and as fast as additional sums were generated from the sale of the lands, &c., they also will be divided among the municipalities.⁷⁸ (Hear, hear).⁷⁹ The funds in the hands of the Government will thus be continually decreasing. The hon. member for Lambton said in one breath that there was no finality in the measure, and in the very next breath that he opposed the principle of commutation. Now the principle of commutation was introduced for the⁸⁰ sole purpose of making the measure final and closing it as soon as possible. The hon. gentleman had also said that⁸¹ by this commutation we are going to build up church establishments, by giving them large sums⁸² to purchase real estate with; but⁸³ that is quite impossible. Only the capitalized value of the annuity will be given, which it will be impossible to accumulate except in this way. Supposing an incumbent gets £100 a year. If he receives the capitalized amount of that in one sum, the only way in which he can make any accumulation, or save anything, is by living on less than £100 a year, and that he can do now. There is no mode by which the dreaded occurrence of building up church establishments out of these commutations is possible, but, on the other hand, it is of the utmost consequence that this question be settled at once.⁸⁴ If the salaries were made a charge on the consolidated fund, the result would be that the⁸⁵ agitation will still be kept up. On the one hand, "the drum ecclesiastic" will be beaten at every election,⁸⁶ the worst feelings would be excited;⁸⁷ and the country stirred to return to the settlement of 1840, whilst others would be constantly attacking⁸⁸ the charge of paying the salaries of these drones, as⁸⁹ those poor people⁹⁰ would be called.⁹¹ These considerations, I think, are conclusive in favour of the details of the Bill, so far as affected by the objections of the hon. member for Lambton, remaining as they are.⁹²

MR. LANGTON said the hon. Attorney General had attributed the opposition to certain details of the bill, to a desire to find fault with everything that proceeded from the government. Now there might be members of this house who entertained serious objections to the scheme brought in by the government, and who had a decided right to state those objections, without having any desire to make an attack on the government. He was one of those, and he desired not only to express his views on the points wherein he dissented, but also to give the reasons of his dissent. The first three resolutions of the hon. member for Lambton all turned on the question whether there should be a special fund or not. He (Mr. Langton) entertained a strong opinion that it would be a great deal more expedient to get rid of the special fund altogether⁹³, and to make the stipends a charge upon the consolidated fund⁹⁴, and he believed there was hardly a member of this house who did not entertain the same feeling; but on the question whether that would be legal, not being a lawyer, he did not venture to express an opinion. He had listened with great attention to the argument of the Attorney General⁹⁵, [and] admitted that there was much force⁹⁶ in it, but he was not thoroughly convinced. At the same time he would not like to set up his opinion against that of a gentleman whose professional education enabled him so much better to form an opinion. He would not now make any reply to the arguments of the Attorney General, as to the propriety of acknowledging the religious bodies as distinct from the incumbents. He had himself given notice of an amendment on that subject, and would reserve the expression of his opinions upon it till that amendment came under discussion. The fourth resolution of the hon. member for Lambton related to the subject of commutation. There was this great advantage in favor of the principle of commutation, that it would more speedily bring the fund to an end; but there were certain disadvantages attending it, relating principally to commuting with religious bodies. Commuting with individuals did not appear to be attended with so much inconvenience, if there was a proper security that those individuals would go on performing their duties. He would oppose, therefore, the fourth resolution of the hon. member for Lambton, as the details of the government measure on that point might be amended in committee. The fifth resolution he was decidedly in favor of. There was nothing in the Imperial Act that could be interpreted as interfering with that resolution, and it was perfectly competent for them to put an end to all possibility of doubt or difficulty, by naming the persons to whom the sums would be given and the amounts, and thus remove any doubt as to whether the option given in the bill to the government would be properly exercised or not. It would be more satisfactory to the country to know who were to be paid, and how much they were to receive, and he had great hopes that the government would consent to this.⁹⁷ His remarks on the other portions of the bill would be reserved till they came up for discussion.⁹⁸

MR. FREEMAN said he had been very happy to hear, on the introduction of the bill, the request by the Attorney General that all honorable members should suggest any idea that occurred to them, that would make the measure more satisfactory to the country. He inferred from that, that the government would be prepared to treat in a fair and proper spirit any amendments that might be offered. He was, therefore, very much surprised, when an hon. member brought forward and laid on the table certain suggestions which, in his mind, were calculated to make the measure more popular and final, that the Attorney General himself should taunt that honorable member with having done so out of a spirit of opposition. (Hear, hear.) He had seen the instructions moved by the hon. member for Lambton before they were printed, and believing that they contained

a more perfect scheme for the settlement of the question than the bill in its present shape, he intended to give them his support, and had consented that his name should be used as seconder. On the question raised by the Attorney General as to the interpretation of the Imperial Act, he felt greatly embarrassed in speaking; for he felt that this was not the place where he could with most propriety give a legal opinion. At the same time he must say that he did not consider that the words of the Imperial Act really compelled this house to tie up a sufficient capital⁹⁹ [in] a separate fund sufficient to produce¹⁰⁰ £38,000 a year, the sum necessary to satisfy those incumbents at the outset. He considered it would be enough if a sufficient portion of the fund were reserved to meet those demands, and that the second resolution of the hon. member for Lambton was in full accordance with the Imperial Act, using, as it did, the very words there employed. He objected to the government scheme, because it tied up so large a sum as £500,000 or £600,000 in the hands of the government,¹⁰¹ for many years and not distributed to the municipalities,¹⁰² for the mere purpose of having interest sufficient to pay the stipends of the incumbents during their lives. He did not think that this was necessary, nor was it required by the clause in the Imperial Act, which could not, in his opinion, bear the import and meaning that had been put upon it by the hon. Attorney General. All that the Act required, as he understood it, was that enough should remain unappropriated to satisfy these stipends and allowances.¹⁰³

MR. PRES. EX. COUN. MACNAB.--Hear, hear.¹⁰⁴

MR. FREEMAN [continued:] If that were conceded by the government, it was all he wanted, for it was the very thing provided for by the second resolution of the hon. member for Lambton, which was that so much should be retained as should be considered the capital sum representing those annuities, and that it should be placed in the Consolidated Revenue to provide those annuities and to be a security for the same. He apprehended that the British Legislature never could have supposed that for the purpose of securing these stipends, it would be necessary to lay aside a large sum of monies to yield interest sufficient for the purpose. And what would be the interest--6, 5, 4, or 2 per cent? If the British Legislature had thought of such a thing, they would have¹⁰⁵ stipulated¹⁰⁶ at what rate of interest the money should be laid out. He apprehended then that all that was meant by this clause in the Imperial Act, was that a sufficient sum should be retained¹⁰⁷ to secure the payment of the stipends and their entire redemption¹⁰⁸, the amount of which should be arrived at by the ordinary mode of commercial calculations. That was his view of the question. If, however,¹⁰⁹ this was not the proper interpretation of the Imperial statute,¹¹⁰ and the speedy settlement of the fund by that mode prevented, he would not in that case object to the principle of commutation.¹¹¹ He would vote in favor of the amendment proposed by the honorable member for Lambton.¹¹² If he could not get a speedy settlement effected by those resolutions, he would not object to its being facilitated by commutations. He would have a commutation, however, with the individuals themselves who were incumbents, and not with the religious bodies to which they belonged¹¹³, and he was opposed to tying up this fund because that the municipalities would never know when they were to receive their portion.¹¹⁴ He did not know whether the bill had been framed to show the bishop, as the head of the Church of England, to commute for that body.¹¹⁵ He doubted very much if the Imperial Act would permit a commutation with religious bodies, as provided in the bill of the government. But he would much prefer to any commutation, the scheme of getting rid of the fund at once as proposed in the resolutions, and making the stipends a charge on the Consolidated Revenue,

and he was satisfied it would be much more favorably received by the country than the plan of tying up a large sum of money for 10 or 20 years, and paying it over to the Municipalities in uncertain amounts and at uncertain periods.¹¹⁶

MR. PROV. SEC. CHAUVEAU, at this stage of the discussion (sic) presented a Return, in answer to the Address of the 14th of September, of the gross revenue of the Clergy Reserves in Upper and Lower Canada, during the six months ending at the date of the closing of the Public Accounts for 1853.¹¹⁷

MR. FELTON opposed the amendment, notwithstanding the remarks of the hon. member for Wentworth (Mr. Freeman) he could not conceive that the ins[er]uction moved by the hon. member for Lambton was any other than a hostile suggestion for it was not a mere modification of the Government plan, but the substitution of one entire plan for another. The adoption of this plan would land them in very great difficulties, indeed difficulties of so grave a character that they seemed to him to be insuperable (sic). He approved of the 5th resolution, but he must vote against the scheme as a whole.¹¹⁸

MR. BROWN.--I intend that the first three resolutions shall be put first, then the fourth, and then the fifth.¹¹⁹

MR. FELTON said that, if that were done, he apprehended there would be no difficulty on either side of the House in adopting the fifth resolution. (hear hear,) The other suggestions of the hon. member for Lambton did not appear to him to be practicable. If carried out they would involve a very large issue of debentures for the value of the lands unsold or unpaid, and he would have thought that the hon. member for Lambton would have been the very last to have suggested any unnecessary operation in debentures. And besides the issue of such debentures would be inconsistent with the terms on which the debentures of the Province were already in the market. The scheme was open to very grave objections, independently of the legal doubts as to the interpretation of the Imperial Statute. The hon. member for Lambton said that the security of the Province was as good a security as the incumbents could desire. That might be the case at present. Just now they were in the position of a prosperous merchant with his credit good, and his money chests overflowing, but the case might be different ten or twenty years hence. The finances of the Province might then be in a different condition.¹²⁰ The proposal to make the stipends payable out of the consolidated revenue fund he compared to the case of a person who had £1,000 secured by mortgage and who should be asked to change it for personal security.¹²¹ As to the commutation proposed he thought there was no difficulty about that, the amounts could be paid not to the stipendiaries, but to the churches which engaged those stipendiaries, and which would see that the duties were performed.¹²²

MR. FOLEY wished to offer an amendment to the amendment of the hon. member for Lambton, which he thought would meet the views of a large portion of the House. It was that the words "according to population," in the third paragraph be struck out, and the following inserted in their place:--"due regard being had to the territorial extent, and to the local wants as well as to the population of each of the said Municipalities." (Laughter.) He was glad to observe hon. gentlemen laughing, because it¹²³ was proof that they were¹²⁴ well pleased with his amendment, and he was satisfied that their constituents would be equally well pleased, if it only succeeded in being carried out. In Lower Canada, the city of Montreal had a population of 60,000, and the city of Quebec, 50,000,¹²⁵ making an aggregate population of 110,000¹²⁶, while the population of the whole of that section of the Province was 900,000. The effect, there-

fore, of the amendment of the hon. member for Lambton, as well as of the Bill of the hon. Attorney General, would be that the cities of Montreal and Quebec would receive out of the Clergy Reserve Fund if applicable to Lower Canada, an amount proportioned at 110 to 900. This, he considered, would be unjust. Again the cities of Upper Canada were five, comprising a population of 100,000. These would receive out of the Clergy Reserve Fund applicable to Upper Canada, an amount proportioned as 1 to 10. The agricultural population would in that way be unjustly dealt with, and the system of favouritism perpetuated by which those Reserves were originally set apart for the benefit of a favoured few, without any regard to the wants and wishes of the rest of the population. Those cities had already been very much pampered at the expense of the country. Within their limits the largest portion of the public money had been expended. In Toronto for example there were the Lunatic Asylum, the Toronto University, the Government Buildings, and at the present moment there were applications before the House for another expenditure of £60,000 for the purpose of adding to the already accumulated riches of that city. They found the same thing in the cities of Quebec and Montreal, with their Hospitals, their Post Offices, and their Public Institutions. No matter what Administration was in office, they found that at the expense of the agricultural population, those cities were built up, and pampered to excess. He asked therefore, that in making a distribution of those funds, the distribution should be a fair one. He asked that the¹²⁷ necessities of the backwoodsman¹²⁸ should be duly considered¹²⁹. On the representation question government held that population should not be the basis; but when these reserves monies come to be distributed they were ready to adopt the basis of population.¹³⁰ The distribution of those funds ... should not be ... upon ... the same system of injustice and partiality as had hitherto been practised. The agricultural constituencies had their roads to make, their schools to support, and their town halls and other public buildings to provide for, and their interests should, therefore, be attended to. Besides it was the agricultural portion of the community that had made those Clergy Reserve Lands valuable, while the cities had contributed nothing. He maintained, therefore, that, if taken away from the religious denominations, they should be appropriated for the benefit of the greatest number of the population with regard to territory and local wants, as well as to population.¹³¹ He would not give an opinion on the interpretation of the Imperial Act; he did not feel competent to do so; but it was very strange that while the bill of the late government (*sic*) was before the House, the hon. Attorney General never discovered the necessity for a special fund.¹³²

MR. AT. GEN. J.A. MACDONALD said the bill of the late Government contained the same provision as the present with regard to the fund for paying the stipends of the ministers.¹³³

MR. FOLEY knew nothing about the bill but what he gathered from the remarks of the honorable member for Lambton. (Laughter.) He hoped his amendment would be favorably received by the House and that justice would be done to the several constituencies.¹³⁴

(257)

*Mr. Brown moved, seconded by Mr. Freeman, and the Question being proposed, That it be an Instruction to the said Committee, that for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:--1. That an estimate be forthwith made of the Capital sums which, upon the established principles for ascertaining (*sic*) the value of terminable annuities, would be equivalents for the assumption of the annual*

stipends or allowances of Upper and Lower Canada respectively, guaranteed under the late Imperial Clergy Reserve Act. 2. That all lands, arrears, proceeds, investments, interest dividends, rents and profits belonging to the Clergy Reserve Funds, be transferred forthwith to the Crown, at a valuation to be now made--separation of the Funds of Upper and Lower Canada being maintained; that so much of the same as may have been ascertained as aforesaid, to be the Capital value of the stipends or allowances of Upper and Lower Canada, respectively guaranteed under the Imperial Act, be placed in the Consolidated Fund of the Province, to provide for the payment of such stipends or allowances, and that the said stipends or allowances shall thereupon become secured on the same and be an annual charge thereon. 3. That the whole remainder of the Clergy Reserve Funds of Upper and Lower Canada respectively, be forthwith distributed in each Province, among the several County and City Municipalities, according to population, in cash or debentures, or a portion of each, as the public convenience may render expedient. 4. That there be no commutation of the stipends or allowances secured under the late Imperial Act, but the individuals interested be secured in the annual allowances guaranteed to them under the said Act, subject to all the existing conditions of their incumbencies. 5. That all amounts, sums and valuations herein previously referred to, and the names and descriptions of all parties to be entitled to any stipend or allowance under the same, and the sums to which they shall be so entitled, be forthwith ascertained and specified in the Bill or in Schedules to be attached thereto;

Mr. Foley moved in amendment to the Question, seconded by Mr. Fergusson, That the words "according to population" be left out, and the words "due regard being had to the territorial extent and local necessities, as well as to the population of each of the said Municipalities" inserted instead thereof;

MR. HINCKS said he should not at all enter upon the discussion of the principle advocated by the hon. gentleman who had just sat down, but he desired to make a very few observations in reference to the course he should take in regard to the Bill generally, and more particularly on the points referred to by the hon. member for Lambton. He considered that the Bill introduced by the Administration was substantially a redemption of the pledge which they gave to this House¹³⁵ and country¹³⁶ in regard to the Clergy Reserves, at the time they took office, and he should not¹³⁷, therefore¹³⁸, be prepared to take the responsibility of in any way obstructing their proceedings in regard to this Bill. He for one should hold them strictly to the responsibility they had assumed, and should not be a party to join in supporting any of those amendments to which they objected, and thereby in a great measure relieve them of that responsibility. Neither did he think that there was any force whatever in the arguments he had heard in reference to this question. There was only one way in which they could get rid of the special fund, and of the whole matter at once, and that was by breaking faith with the Incumbents, and acting in direct violation of the Imperial Act. So long as they recognized the right of those parties to annuities for life, so long [as] they had a tangible security which was worth money in the money market,¹³⁹ a fund ... must be preserved¹⁴⁰, and they could not take from them that security by any proceedings without breaking faith with them. He did not think, therefore, that there was much weight in the arguments which had been advanced on that part of the subject. With reference to the mode of distribution, whether the fund was to be divided among the cities and counties, or among the townships, or whether the distribution was to be according to population or territorial extent, these were questions which would afterwards come under discussion. But for his own part it was his

intention to support the Administration throughout on this Bill, and he should resist any amendment unless such as in the course of the discussion the Administration thought they might accede to, without interfering with the working of the Bill.¹⁴¹

DR. CLARKE supported Mr. Foley's amendment, and mentioned a township in the county he represented where they had spent £12,000 in improving those Clergy Reserve Lands. After having made such an expenditure, was it to be said that they should only come in for a share, not perhaps half as large as that of the city of Hamilton, which had done nothing to improve the value of those lands?¹⁴²

MR. BOWES opposed the motion of the honorable member for North Waterloo (Mr. Foley.) The city of Toronto paid as much revenue as perhaps one half of all the rural districts of Upper Canada. The Lunatic Asylum, to which reference had been made, was not for the benefit of Toronto but of the whole country. He believed the honorable member for North Waterloo was a supporter of the principle of this bill; but if he would carry this resolution, and if the others that were to be proposed would also be carried, the bill would stand a fair chance of being defeated. This was what he (Mr. B.) wanted. But, if the House persisted in dividing the funds among the municipalities, he must claim for Toronto its share of the plunder of the church.¹⁴³

MR. HARTMAN, in common with some of the gentlemen who had preceded him in speaking to this question, could not but express some surprise at the spirit in which the resolutions submitted by the honorable member for Lambton, had been met both by members of the government and by gentlemen who sustained the government. When the Bill was brought in, the Attorney General distinctly announced that the principle of the Bill was what he attached importance to, but that so far as the details were concerned, the Government wished the assistance of the House in perfecting those details. From the whole circumstances of the case, and particularly the recent great change which had taken place in the political professions of honorable gentlemen opposite, he was induced to believe that that announcement was made in sincerity, and that the government sincerely desired to have the assistance of the whole House in making the measure as acceptable to the country as it could be made. He did hope, therefore, that any suggestion which should be offered in sincerity, and which should bear upon it the appearance of being offered in sincerity, would be met in the same spirit of frankness which seemed to characterize the honorable gentleman's remarks in introducing the Bill. But the remarks made by the honorable gentleman and his supporters this evening indicated anything else than a desire to be assisted by the House in perfecting the measure, or at least they wished it to be perfected by their own side of the House exclusively. (Hear, hear.) He believed that the honorable member who had laid those amendments before the House was actuated in doing so by the best of motives. For his own part, so anxious was he to have a good measure of secularization, that he announced in the early part of the session that, if he got such a measure, he did not care from whom it came, and now, in offering support to the resolutions in amendment, he did so in the sincere belief, that those resolutions, if adopted, would improve the character of this Bill, and render it a measure more acceptable to the country. (Hear, hear.) But, when the hon. member for Renfrew (Mr. Hincks) rose in his place and said he considered this Bill a sufficient redemption of the pledge given by the Government at the opening of the session, and threw out a sort of threat that¹⁴⁴ he would oppose all amendments unless

the government accepted them¹⁴⁵, [and] unless this Bill were adopted just in its present shape, there would be no Bill at all, he was led to believe that there was less sincerity on the part of hon. gentlemen opposite than they would have the House and the country to believe. If the hon. member for Renfrew thought he would coax or frighten them by the threat that they must either take this Bill just as it was, or have no Bill at all, he could tell that hon. gentleman that he was very much mistaken in the sort of materials he had to deal with. It was too late in the day to tell the people of Canada that if they would not have this particular measure of secularization, with all its acknowledged defects, they would have no measure of secularization at all. If these resolutions offered in amendment could be shewn to be improvements on the present Bill, if it could be shewn that that Bill was not a perfect measure but that an improvement might be made upon it without stretching the authority given to this Legislature under the Imperial Act, then he did not think it was the duty of any hon. member holding a seat in this House to say that he would support the Bill in its every part, unless the Government saw fit to adopt any amendment that might be offered, and that he would take this Bill and this alone. He considered it was the duty of every member of this House, if he saw any defects in the Bill, to offer just such amendments as he conceived would remove those defects and improve the character of the Bill. (Hear, hear.) Now, he held that according to the Bill in its present shape, there was nothing to prevent the religious bodies receiving support from the Reserves from being benefited permanently to as great an extent as under the Act of 1840. Under the commutation provision nothing would be easier than for¹⁴⁶ the Church Society¹⁴⁷ to commute and obtain the sum they would be entitled to under the commutation clause, and by investing that amount in Real Estate, to build up strong ecclesiastical corporations throughout the country.¹⁴⁸ By doing so they would be pursuing a course which the hon. member for Renfrew himself had condemned a few nights ago.¹⁴⁹ If that was not a defect in the present Bill, he did not know what would be a defect, and being a defect it was the duty of the House and of the Government to have it altered. A great deal had been said by those opposed to the amendments of the hon. member for Lambton about the restrictions of the Imperial Act, which would prevent the stipends being secured on the consolidated Revenue. Now he could not see how that was any more an infringement of the Act than the provision of the Bill itself that the amount set apart for those stipends might be invested in Provincial debentures. If the Imperial Act stood in the way of the one proposition, it would equally interfere with the other also. As regarded the fifth resolution, there could scarcely be a difference of opinion that that would be a decided amendment on the Bill, as for ever settling the question as to the amount of allowances to be given to the incumbents, and the periods during which they were to continue. But as he understood the hon. member for Sherbrooke (Mr. Felton) to state on the part of the Government, that they were prepared to accept that resolution, he would say no more on that point. In regard to the amendment offered by the hon. member for Waterloo (Mr. Foley) he thought that that hon. member had lost sight of the fact that the evil they were labouring to get rid of was considered to be one of the greatest evils afflicting the Province, and that as such it affected the people, not according to the territory they occupied, but according to the population.¹⁵⁰

MR. FLINT said he must oppose some of the features of the present Bill, even although in doing so he should be taunted with being one of the factious members. All his life long he had been opposed to the Clergy Reserves being

given for the support of the ministers of religion, and he had been particularly opposed to giving any portion of them to the Wesleyan¹⁵¹ Methodists¹⁵² Church, of which he was a member. (Hear, hear.)¹⁵³ When he took up the public accounts he saw that £103 14s. 8d. on one page and £574 0s. 10d. on another, were said to have been paid¹⁵⁴ out of (sic) the Clergy Reserves to certain ministers of the Wesleyan body £166 to W. Case, £86 4s. to W. Scott, £100 to William Ryerson, £91 10s. to Peter Jones, and other sums to¹⁵⁵ John Sunday and¹⁵⁶ other individuals.¹⁵⁷ The name of the late Inspector General appeared at the foot of the account, as a voucher, he (Mr. F.) supposed, for the payment. But¹⁵⁸ having been assured by some of those individuals that they had never received a farthing out of the Clergy Reserves Fund, he asked for an explanation the other evening, and was referred by the hon. Inspector General to the vouchers in the Receiver General's office. He accordingly examined those vouchers and found he was correct in the statements he had made that not one of the individuals mentioned in the public accounts had ever received a farthing of the money. (Hear, hear.)¹⁵⁹ He demanded an explanation from the honorable member from Renfrew.¹⁶⁰

MR. HINCKS explained that when the Imperial Act of 1840 for distributing the revenue was passed, the Church of Rome and the Wesleyan Methodists were in receipt of certain annuities out of this fund.¹⁶¹ A difficulty ... [had] arisen under the Act of 1840 as to the mode of appropriating the share accruing to the Wesleyan body of the proceeds of the land used prior to the passing of that Act, in consequence of its having, strictly speaking, no incumbents¹⁶². These annuities were not for any particular time¹⁶³. The difficulty had been got over¹⁶⁴, and the only thing that it was deemed possible to do was to make the amount payable upon¹⁶⁵ the lives of certain ministers of the body at random, and without even obtaining their concurrence, to represent the interest of the body¹⁶⁶. Part of the amount paid to the Wesleyan Methodists was chargeable on the old and part on the new fund.¹⁶⁷ The money was paid not to the individuals but to the Wesleyan Methodist Church.¹⁶⁸ Of the amount payable at the time of passing the Imperial Act, about £200 had dropped; and the remainder was still payable.¹⁶⁹

MR. FLINT, was not satisfied.¹⁷⁰ [He] thought that that was a very strange way of keeping the public accounts, that they should bear on their face that certain sums had been paid to certain individuals, while actually the whole amount had been paid, not to them, but to¹⁷¹ Rev. Enos Wood, President of the Wesleyan Conference.¹⁷² The individuals, whose names appeared in the public accounts up against specific sums, had never received those sums, and he (Mr. F.) believed that certain ministers had taken it instead. It was a sort of pious fraud committed upon the Clergy Reserves Fund. Another sum had also been paid this year, in the same extraordinary manner.¹⁷³ He saw other vouchers for sums paid this year; £374 0s. 10d. to certain Wesleyan ministers and over £100 to other ministers whose names were not mentioned. He would like to know who they were. Eighteen-twentieths of the Wesleyan Methodists were opposed to receiving any money from the Clergy Reserves.¹⁷⁴ The true facts of the case were that certain ministers of the Wesleyan body, not of the Canadian Conference, but ministers in England, had seen fit to lay their heads together with the Government and to receive this money, contrary to the wishes of the great bulk of the members of the Wesleyan Church.¹⁷⁵ The Wesleyan Church had raised last ye[ar], in Upper Canada, £30,000 by voluntary contributions, and for this reason he was opposed to his church receiving anything out of the reserves fund.¹⁷⁶ The feeling on the subject prevalent in the Wesleyan body was clearly brought out in the resolutions adopted at a recent Convention in Kingston.¹⁷⁷ He then read the resolutions¹⁷⁸. He believed a large majority of the ministers and nineteen-

twentieths of the members of that church were opposed to receiving one farthing of support from the Reserves, and he should therefore oppose that portion of the Bill which went to continue the allowances given to the Wesleyan body.¹⁷⁹ [It] would corrupt them as much as they had corrupted the churches. There would be perpetual complaints about the distribution of the fund. Different municipalities would complain that they did not get their just share; and there would be another contention--it would be a municipalities instead of a Clergy Reserves contention.¹⁸⁰ He considered that the amendment of the hon. member for Lambton was a decided improvement on that portion of the Bill to which it referred, and he should therefore give it his support.¹⁸¹ He (Mr. F.) had always been in favor of giving part of the Clergy Reserves fund to common schools, but he was now satisfied that it¹⁸² was impracticable and some other disposal of them must be made¹⁸³, and instead of giving the fund to the municipalities, he would rather that it should go into the public chest to be applied in paying off the public debt.¹⁸⁴

MR. INSP. GEN. CAYLEY wished to know if the Ministers of the Wesleyan Church, whose names appeared in the public accounts as recipients of the grants referred to, had ever publicly repudiated the use there made of their names.¹⁸⁵ Evidence of this should be adduced, otherwise these assertions were unjust.¹⁸⁶ The body to which they belonged had received £900 a year; and it was reasonable to suppose that it had been distributed among them.¹⁸⁷

MR. BOWES said the Methodist Church in Canada had received no money out of the Clergy Reserves, but since 1832 the British Methodist Missionary Society had received¹⁸⁸ £700 a year for Missionary purposes.¹⁸⁹ They, in anticipation of a union with the Conference in Canada, got a grant from the government out of a fund which was subsequently transferred to the Clergy Reserve Fund. That grant had since been continued to the British Missionary Society, and was received by their Missionary Representative here, the Rev. Enoch Wood, who acted in the double capacity of superintendent of missions, and President of the Conference¹⁹⁰, and agent of the British Wesleyan Society for the receipt and distribution of these funds.¹⁹¹ The Conference in Canada did not receive one sixpence of it, and those gentlemen named in the accounts received the money not directly, but as Missionaries through Mr. Wood. The parties receiving it were thus received from the imputation of receiving Clergy Reserve money, and the Conference in this country had nothing whatever to do with it.¹⁹² The hon. gentleman (Mr. Flint) was of opinion that the Wesleyan Methodists ought to get none of the Clergy Reserves funds; but he (Mr. Bowes) was of a different opinion. At all events, faith should be kept with the British Missionary Society¹⁹³. It would be wrong, he considered, to deprive the ... Society of the grants they were receiving.¹⁹⁴ Mr. Bowes explained that the British missionary Society in England had received since 1832 a certain sum annually through the Reverend Enoch Wood, their representative in Canada, but the Wesleyan Methodists in Canada had received nothing.¹⁹⁵

MR. A. DORION (Montreal) got up and moved an amendment to the original resolution.¹⁹⁶

MR. PRES. EX. COUN. MACNAB objected to its presentation.¹⁹⁷

MR. A. DORION stated that it was in order.¹⁹⁸

MR. BROWN supported the hon. member for Montreal.¹⁹⁹

MR. PRES. EX. COUN. MACNAB said that the amendment of the hon. member for

Montreal was irregular, inasmuch as there was one before the House proposed by the hon. member for Waterloo.²⁰⁰

A discussion arose as to the regularity of the proposed amendment by the hon. member for Montreal²⁰¹.

The amendment was withdrawn [by MR. A. DORION.]²⁰²

MR. BROWN wished to say a few words in reply to what had been advanced on the other side, before the question was put. He desired to call the attention of the House to the fact that neither the honourable attorney General, nor the honourable member for Renfrew, nor any other member²⁰³ on the treasury benches²⁰⁴, had denied for a single moment, that the scheme placed in the Speakers hands by the opposition was a great improvement on that proceeding from the Government. (Hear, hear.) They had admitted that this scheme was vastly better than their own.²⁰⁵

MR. AT. GEN. J.A. MACDONALD.--Of course, if it were practicable. I said that if the whole could be put upon the Consolidated Fund, it would settle the question at once.²⁰⁶

MR. BROWN.--If it were practicable.²⁰⁷ This was precisely the admission to which he desired to call the attention of the House; that the scheme which he (Mr. Brown) had submitted would settle the question at once and forever, while the scheme of honorable gentlemen opposite would hang it up for²⁰⁸ nobody knew how many years,²⁰⁹ another thirty, or forty, or fifty years. (Hear, hear.) The only objection was that by the Imperial Act this could not be done. He knew that it was calculated to have a very great effect on this House, when a gentleman learned in the law, standing at the top of his profession, and possessing a deservedly high reputation as a lawyer, got up and gave it as his deliberate opinion that a certain interpretation of the Act was the correct one. On many who were not lawyers, such a declaration had a very imposing effect. He asked the House, however, not to be led away by the strong statements of the honorable Attorney General West. This was no question of nice law, but a mere question as to the construction of the English language. (Hear, hear.) There was not a member of the House who was not just as capable of deciding the²¹⁰ second section of the Imperial act²¹¹ for himself as the Attorney General²¹², and ... be able to see that the scheme proposed by the opposition carried out the provision of that act.²¹³ The honorable gentleman brought forward no argument--he merely said, "that is my opinion,"--and every member of the House was as much entitled to form an opinion of his own as the Attorney General. (Hear, hear.) And, more than that, as had been shown by the honorable member for North York (Mr. Hartman) the Attorney General's own scheme was as open to the objection, if there were any force in it at all, as the scheme offered in amendment. The Government proposal was that the fund to meet the stipends and allowances should be invested in Provincial securities--the amendment was that it should be put into the consolidated revenue, and kept there for the special purpose of paying those allowances. It was impossible to conceive that the one scheme was more in accordance with the spirit and even the letter of the Imperial Act than the other. But the honourable gentleman himself, in framing his Bill, did not adhere to the strict letter of the law.²¹⁴ In proposing to commute with the incumbents, the letter of the Imperial act was departed from.²¹⁵ Neither was the payment to religious bodies, as distinct from individuals, in accordance with the Act, which provided that the stipends and allowances should be paid "during such lives and incumbencies," no provision at all being made for religious bodies. And yet the honourable gentleman talked about the scheme which

he (Mr. Brown) had submitted, as not being in strict accordance with the letter of the law. He (the Attorney General) could not, however, but admit that according to his (Mr. Brown's) scheme the full spirit and intention of the Act would be carried out. The honourable gentleman said the Royal assent would be refused; but why should it be refused if they carried out to the minutest particular, the intention of the Imperial Act! (Hear, hear.) Would it be rejected, because it did not meet a quibble which might be raised? (Hear, hear.) He had often seen, in similar circumstances, honorable gentlemen getting up, and saying that there was a legal difficulty, when there was really no difficulty at all; and in the present case, if he were to take a jury of twelve common sense men, capable of understanding the English language, he was confident that they could arrive at no other conclusion than that the resolution he had submitted, couched as it was in the very words of the Imperial Statute, carried out precisely what was intended. (Hear, hear.) The honorable member for Sherbrooke (Mr. Felton) said the scheme could not be carried out, because there was not enough money in the public chest. He replied to that that his object being to settle the thing at once, if there was not money enough in the public chest, Debentures of the Province could be issued, for which the lands themselves would be ample security. The honorable Attorney General said the Province could issue no more Debentures, because they had come under an agreement with two London brokers that they should not issue any more. He was astonished that such an argument should have been used, or that any honorable gentleman could imagine that Canada could not obtain the consent of Messrs. Glyn & Baring to the proposed arrangement. He (Mr. Brown) could see no difficulty in the matter. The honorable member for Renfrew, doubtless might be sued to use his potent influence with those gentlemen, and he was quite sure that they would be open to the solicitations of the House--especially for a consideration. (Hear, hear.) The honorable member for Renfrew, in the few observations he made to the House, had taken up very strange ground, which certainly did make him somewhat more doubtful than before as to the good faith with which the measure was being carried out by the Government. (Hear, hear.) That honorable member stated that for his part he was inclined to throw the whole responsibility²¹⁶ for the passing of the measure²¹⁷ on the administration, and that he would not support any amendment except with the consent of hon. gentlemen on the Treasury benches. He did think that such a statement came very ill from that honorable member. He had not so much confidence in those gentlemen who had come round to Reform views in one day, and who had got office and their present position in the country as the very price of their adopting this measure. He did believe it possible that they still felt an inclination to certain of their old views, and were disposed to do as much for their old friends as they possibly could. It certainly ill became a Reformer who had been contending for years against those gentlemen, and maintaining that their dearest wish was to establish a dominant Church--it certainly ill became him to stand up and say that he laid aside his own judgment entirely, and handed over his conscience to the keeping of those gentlemen. (Hear, hear.) It did seem as if there had been an understanding come to between the honorable member for Renfrew and those honorable gentlemen, as if he had said to them--"Take the administration of the Government out of my hands, until that question is got rid of, which has been the only difficulty in the way of our keeping office." (Hear, hear.) The honorable member for Renfrew further said, and that was another matter for astonishment, that if the scheme proposed from this side of the House were carried out, it would be breaking faith with the incumbents.²¹⁸

MR. HINCKS.--The hon. gentleman has misunderstood me. What I said was, that unless by breaking faith with the incumbents, as long as you recognize the right of the incumbents to those annuities, so long [as] you give them a property which may be commuted. Their life annuities are worth a sum of money in the market, and they could not be deprived of them by any mode of procedure without faith being broken with them.²¹⁹

MR. BROWN.--Do we intend to deprive them of their life annuities? Do we not intend to put them on the Consolidated Revenue, and would that be breaking faith with the incumbents? The hon. member said they would have a tangible security that they could put into the money market. If their annuities are put on the Consolidated Revenue, would not that be as tangible a security?²²⁰

MR. HINCKS.--I admit it.²²¹

MR. BROWN.--If the hon. gentlemen admit it, why do they not support the scheme at once, instead of trying to get rid of it by a piece of petty quibbling? If hon. gentlemen really desired to have the question settled immediately and for ever, it appears to me that they would never think of opposing the proposition. (Hear, hear.) They admit that it would be a speedier and better way of settling the question, and their only objection to it is a legal quibble, which is no objection at all. (Hear, hear.) One word in regard to the explanations as to the payments to the Wesleyan body. It appears from the statements which have now been made, that for years we have had upon our public accounts the names of certain parties as receiving money from the Clergy Reserves, while in fact those parties never received one sixpence of it. The money has been paid away without receipts, and false names have been put upon the public accounts year after year. Now, if that has been the loose way in which the fund has been administered in one case, how may it have been with other religious bodies, and yet we are asked to hand over the whole matter to the Government to settle with those parties as they choose. (Hear, hear.) It turns out, too, that this money, instead of being spent in the Province, has been sent over to a society in England, and yet forsooth, we are not to be allowed to consider what right those people have to receive it.²²² In regard to what the hon. member for Toronto (Mr. Bowes) had said, it was certainly unfair to expect that perpetuities should be provided for societies in England which was being done constantly.²²³ (Hear, hear.)²²⁴ The House had only to deal with incumbents²²⁵. Nothing could be a clearer proof of the necessity of my resolution, that²²⁶ if this bill passed²²⁷ we should have on the face of the Act a distinct statement of every sum that is to be paid out in the making of this settlement.²²⁸ The church of Scotland were paid sums which they cannot find clergymen to take, and it was most unjust that these payments should be made. Upon the whole²²⁹, it appears to me that, if honourable gentlemen desire to have the question settled at once and on a²³⁰ fair and true basis²³¹, they will support the resolutions which I have placed in the hands of the Speaker. (Hear, hear.)²³²

(257)

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Holton, That the words "separation of the Funds of Upper and Lower Canada being maintained" and the figure and words "3. That the whole remainder of the Clergy Reserve Funds of Upper and Lower Canada respectively, be forthwith distributed in each Province, among the several County and City Municipalities, according to population, in cash or debentures, or a portion of each, as the public convenience may render expedient" be left out;

And a Debate arising thereupon;

MR. A. DORION.--Il s'abstient de rien dire pour appuyer sa proposition; mais il profite de l'occasion pour dire²³³ that the object of his motion was to affirm the principle that the funds and Lands of the Clergy Reserves should not be divided between the two Provinces, in proportion as they were situated in each (*sic*) section of the Province, but that they should be merged into the Consolidated Revenue, so as to benefit the two sections indiscriminately.²³⁴ He thought there should only be one fund for both sections of the Province.²³⁵ He would not repeat his views on this subject; but would give his opinion of²³⁶ the discussion which had arisen on the Interpretation of the Imperial Act,²³⁷ by the Attorney General. The interpretation of the Government was, that they must reserve a capital sum, the interest of which will pay those stipends.²³⁸ Il ne voit rien dans l'acte impérial qui empêche que les Réserves ne soient entièrement abolies, et que le fonds consolidé ne soit grevé des salaires des révérends messieurs dont les droits sont conservés par les précautions de la loi Anglaise.²³⁹ His resolutions provided for the payment of those stipends; and that was the requirement of the Imperial statute.²⁴⁰

(257)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(258)

YEAS.

Messieurs Brown, Clarke, Cooke, Daly, Fergusson, Flint, Foley, Frazer, McKerlie, Sanborn, Scatcherd, and Somerville.--(12.)

NAYS.

Messieurs Aikins, Biggar, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Burton, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Cook, Crawford, Crysler, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Gill, Gould, Guéremont, Hartman, Hincks, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Marchildon, Masson, Matheson, Meagher, Mongenais, Morin, Joseph C. Morrison, Munro, Murney, Niles, O'Farrell, Papin, Patrick, Poulin, Pouliot, Powell, Rhodes, Robinson, Solicitor General Ross, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Wright, Yeilding, and Young.--(96.)

So it passed in the Negative.

And the Question being again proposed, That it be an Instruction to the said Committee, that for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:--1. That an estimate be forthwith made of the capital sums which, upon the established principles for ascertaining the value of terminable annuities, would be equivalents for the assumption of the annual stipends or allowances of Upper and Lower Canada respectively, guaranteed under the late Imperial Clergy Reserve Act. 2. That all lands, arrears, proceeds, investments, interest dividends, rents, and profits belonging to the Clergy Reserve Funds be transferred forthwith to the Crown, at a valuation to be now made--separation of the Funds of Upper and Lower Canada being maintained;--that so much of the same as may have been ascertained as aforesaid, to be the Capital value of the stipends or allow-

ances of Upper and Lower Canada respectively guaranteed under the Imperial Act, be placed in the Consolidated Fund of the Province, to provide for the payment of such stipends or allowances, and that the said stipends or allowances shall thereupon become secured on the same and be an annual charge thereon. 3. That the whole remainder of the Clergy Reserve Funds of Upper and Lower Canada respectively, be forthwith distributed in each Province, among the several County and City Municipalities, according to population, in cash or debentures, or a portion of each, as the public convenience may render expedient. 4. That there be no commutation of the stipends or allowances secured under the late Imperial Act, but the individuals interested be secured in the annual allowances guaranteed to them under the said Act, subject to all the existing conditions of their incumbencies. 5. That all amounts, sums, and valuations herein pre-

(259)

viously referred to, and the names and descriptions of all parties to be entitled to any stipend or allowance under the same, and the sums to which they shall be so entitled, be forthwith ascertained and specified in the Bill or in Schedules to be attached thereto;

MR. SANBORN would support the amendment of the hon. member for Montreal, and it involved a great objection which he had to the present Bill, which was that the Bill assumed the principle that there should be a local appropriation of the funds. The question was, is it in accordance with the appropriation of the fund that they should be retained as a seaprate (sic) fund or should be appropriated locally at all? When these claims of existing incumbents and church bodies were set at rest, if one-seventh of the lands of this Province be applied locally as to Upper and Lower Canada, then the same application should take place as to all the lands of the Crown. The position taken, that this fund should be a local fund, was wrong. If there was any reason to hold that Upper Canada should enjoy the fund it could only be because that the fund had arisen there; but as to Lower Canada²⁴¹, according to this rule the Eastern Townships would be entitled to receive proceeds of the lands lying within them. If the distribution principle of this bill were affirmed, the Eastern Townships would be deprived of much of their share of the reserves, and be compelled to contribute to the expenses of extinguishing the Seigniorial Tenure.²⁴²

MR. GOULD considered Upper Canada entitled to her share of the Clergy Reserves, and would therefore vote against the amendment of the hon. member for Montreal.²⁴³

MR. PAPIN spoke in French²⁴⁴. [Il] appuie l'amendement, disant que si le Canada n'a qu'un gouvernement, et qu'il est une seule Province, les deux parties doivent jouir également des avantages comme elles ont déjà souffert des inconvénients. La propriété dont il s'agit n'appartient ni à l'une ni à l'autre section de la Province Unie. Il ne peut répéter trop haut que le temps est venu de savoir s'il y a vraiment une communauté de propriété entre les deux ci-devant provinces.²⁴⁵ It was time for the House to understand whether Lower Canada was to be allowed her fair share of the benefits of the Union, or whether it was intended to give her only the disadvantages which resulted from the connection.²⁴⁶ On a déjà discuté cette question, aussi il ne veut pas aller plus loin; mais il croit qu'il est de son devoir, dans toutes les occasions qui se présentent, de se lever dans la Chambre et de tâcher de protéger les droits et la propriété de cette partie de la province dont il a l'honneur d'être un des représentants.²⁴⁷

MR. DUFRESNE, in French²⁴⁸. D'après la nature du bill et des amendements du

membre pour Lambton, [il] est porté à demander si le Canada est une province unie ou s'il ne l'est pas. Il entend bien des voix qui crient oui! certainement les deux ci-devant provinces sont unies depuis quatorze ans; mais en voyant les distinctions qui se font dans tous les procédés de la Législature, il a raison de faire cette demande; car si l'union n'a été faite que pour piller le Bas-Canada cela ne lui convient pas du tout. Si elles sont unies, elles doivent l'être de volonté, et pour la propriété, et si on ne veut pas agir d'après ce principe, il prendra cette occasion pour protester contre l'union comme il l'a fait lorsqu'elle fut imposée au peuple du Bas-Canada. Il aime l'union si on y va de bonne foi, et si le Bas-Canada est traité avec libéralité par le Haut-Canada qu'on a consulté dans le temps. Le Haut-Canada a accepté l'union; mais le Bas-Canada y a été contraint, étant dans le temps sous le règne d'une Législature exceptionnelle telle qu'elle n'a jamais existé ailleurs. Tout semble donc prouver que l'union a été faite avec la seule vue de favoriser le Haut-Canada; et si cette dernière province désire montrer que ce qu'il a dit n'est pas vrai, elle doit l'établir par sa conduite.²⁴⁹

MR. TURCOTTE, in French²⁵⁰. [Il] exprime son opinion en faveur des principes dont l'amendement du membre pour Montréal est l'expression; mais comme on est dans la Chambre pour faire de grandes réformes, et non pas pour faire la guerre, il votera contre l'amendement; mais il le fera parce qu'il a compris que le ministère va faire un compromis²⁵¹. [He] held that if the Clergy Reserve Fund were given to Upper Canada, Lower Canada should be compensated by Upper Canada out of the Consolidated Revenue Fund paying for the benefits derived by the Censitaire from the extinction of the Seigniorial Tenure. He was quite willing that Upper Canada should have her share of the fund upon such an understanding.²⁵² Si cet entendement est suivi, il votera pour le bill des Réserves comme il votera pour celui de la Tenure; autrement il votera contre le bill des Réserves à la troisième lecture.²⁵³

MR. PAPIN, in French, called on the hon. member (Mr. Turcotte) to say whether the statement he had made was on the authority of the Ministry; and whether it was intended that, as a compensation for Upper Canada keeping her portion of the Reserves the indemnity for settling the Seigniorial Tenure was to be taken out of the consolidated fund without any other compensation being given to Upper Canada²⁵⁴ because then Mr. Papin and his friends would know²⁵⁵ what course to take--whether to vote for the amendment²⁵⁶ under discussion or to ask for a withdrawal of the motion.²⁵⁷

MR. TURCOTTE, in French, replied that²⁵⁸ [il] ne nommera personne; il a ses sources à lui, où il puise des renseignements, et il est satisfait pour lui-même. Tout membre qui veut connaître la vérité peut puiser à la même source.²⁵⁹ His (Mr. Papin's) conscience was satisfied and that was enough.²⁶⁰

MR. BROWN said:--I understand that a very interesting communication has just been made to the House by the hon. member for Maskinongé (Mr. Turcotte,) and considering the very intimate connection which subsists between that gentleman and the Government, it is of importance that the attention of the English as well as the French members of the House should be called to it. The hon. gentleman has stated that it was distinctly understood that a large sum of money was to be paid out of the public chest to furnish an indemnity to the Seigniors, and that the compensation Upper Canada was to get for that, was the vote of Lower Canada supporters of the Government, to allow her²⁶¹ an equivalent ... for the secularization of²⁶² her own share of the Reserves. (Hear, hear.)²⁶³

MR. TURCOTTE repeated in English, substantially, what he had previously said in French.²⁶⁴ That is exactly what I understood. (Hear, hear and laughter.)²⁶⁵

MR. BROWN.--From whom did the hon. gentleman understand it? (Order! order!)²⁶⁶

MR. TURCOTTE.--I have got my own means of conviction. I know where to go when I want to know any thing.²⁶⁷

MR. BROWN again rose, but was prevented from pursuing the subject by loud cries of Order! order! from the Ministerial benches.²⁶⁸

The discussion on the mode of distribution, as respected the shares to be received by Upper and Lower Canada respectively, was continued in French²⁶⁹.

MR. LABERGE croit qu'une longue discussion n'est pas nécessaire pour démontrer que les intérêts du Bas-Canada vont être sacrifiés à l'intérêt du Haut-Canada si ce bill est passé. Les terres furent données au commencement pour soutenir le Clergé Protestant, on va les reprendre sans que cette appropriation ait jamais été accomplie. Mais si les réserves n'appartiennent plus au clergé²⁷⁰ as these reserves were always public property--as they were never given to any individuals or corporation--they ought so to be considered now; and there was no reason why a portion of them should be regarded as belonging to Upper and a portion to Lower Canada.²⁷¹ Pourtant le membre pour Maskinongé a dit qu'il a reçu l'assurance que le gouvernement grèvera le fonds consolidé de l'indemnité des seigneurs. Mais cette assurance est en contradiction directe avec les assurances qu'on trouve écrites dans le bill et dans les résolutions qui ont été soumises à la Chambre. On n'a donc aucune sûreté pour cette assertion, que l'allégation du membre pour Maskinongé, basée sur une autorité si respectable qu'il ne veut pas l'indiquer. Si cette assertion est vraie le compromis est une stricte justice, et le Bas-Canada n'aura aucun sacrifice à faire, et il croit que s'il doit avoir lieu, il doit être avoué, parce qu'il trouve un tel compromis moins compromettant qu'un autre, dont on a beaucoup parlé dernièrement et qui touche à un sujet presque aussi important que la commutation de la Tenure Seigneuriale. Cependant il veut que l'amendement soit emporté; car si le Bas-Canada est repoussé quand il demande justice au Haut-Canada, la partie n'est pas égale.²⁷²

MR. LORANGER attaque l'opposition et l'accuse d'une conduite factieuse, continuée depuis le commencement de la session. Ces messieurs là n'ont approuvé aucune mesure, et n'en approuveront aucune. Il insiste aussi qu'il serait impossible d'attendre un vote en faveur de l'abolition de la Tenure des messieurs du Haut-Canada, si les membres pour le Bas-Canada ne votaient pas pour le bill aujourd'hui devant la Chambre.²⁷³ He was charging the Opposition with embarrassing the measures of the Government, when²⁷⁴

MR. PAPIN, interrupting, demanded, in French, to know what measures the Opposition had embarrassed.²⁷⁵ Il est absurde de dire que l'opposition est factieuse puisqu'elle a voté pour toutes les mesures que le ministère a introduites, au nombre de trois, c'est-à-dire le Traité de Réciprocité, la Tenure Seigneuriale, et les Réserves du Clergé.²⁷⁶

MR. THIBAudeau erepète (sic) ce qu'a dit M. Turcotte, qu'il voterait contre le bill pour abolir les Réserves à la troisième lecture, si le gouvernement ne mettait pas sur le fonds consolidé le coût de l'indemnité payable aux seigneurs²⁷⁷, [but] would vote for this bill on the understanding that Upper Canada members would vote for the Seigniorial bill.²⁷⁸

MR. MACKENZIE said the members of the House, as the members of the Provincial Committee to make arrangements for the Paris Exhibition, met that day at twelve o'clock. At the London Exhibition 104 prizes were given to the people of the best educated part of Europe, and to the worst educated two. While such results were seen, was it not a pity that these reserves revenues were not given for education. The Government was extremely liberal in allowing the Upper Canadians to keep their own reserves; while the whole indemnity to the Seigniors was to be paid out of the consolidated fund without Upper Canada getting any equivalent. If this sort of thing was to go on it would soon come to an end. If this bill passed, one of two things would happen: either it would turn out that the bill was a hoax, or it would be kicked out by the Upper House. He had no idea that we should get anything good out of the present Government without there being something monstrous at the bottom of it. If such a bill as this were passed did they think that one regiment of soldiers would be sufficient for Upper and Lower Canada? These funds were now to be given for promoting squabbles among the municipalities. The salaries of the ministers could not be better secured than by being made a charge on the consolidated fund; but whether this were done or a separate fund kept up, the difference would be only between keeping one or two accounts of the monies.²⁷⁹ The letter of the Bishop of Toronto to the Commissioners of Lands he called impudent and said that since he (the Bishop) kept a still at the Don Bridge at Toronto he had been more full of politics than religion.²⁸⁰

MR. ROBINSON here called the hon. member to order.²⁸¹

MR. MACKENZIE went on to say that Lord Elgin had juggled with the country when he was again called to order.²⁸²

MR. A. DORION fait remarquer que les imputations qu'on vient de lancer sur les membres de l'opposition sont de la tactique du parti ministériel, car si le parti ministériel n'accuse pas ses adversaires, il se condamne lui-même. Les membres de son parti ont été accusés depuis six ans de manquer de patriotisme; mais le temps est venu de faire voir de quel côté le patriotisme se trouve. On admet que le Bas-Canada doit participer dans les terres de réserve, car en effet ces terres sont censées appartenir au domaine de la couronne, puisque c'est pour cela que le gouvernement se croit justifié en les appropriant à des usages profanes. Mais si ces terres appartiennent au domaine de la couronne; elles sont par conséquent, la propriété de la Province Unie; et comme le Bas-Canada a participé dans la dette du Haut-Canada il doit aussi participer dans les avantages des terres de cette partie de la province. Le membre pour Chicoutimi lui-même n'a pu s'empêcher de reconnaître la justice de la demande faite de la part du Bas-Canada, car ce monsieur a dit, il y a quelques jours, qu'il avait longtemps pensé que ces terres appartenaient à la province entière. Mais le membre pour Chicoutimi n'a pas dit depuis quand il a changé d'opinion ni les raisons de son changement. Ce qu'il (M. D.) demande est donc parfaitement raisonnable, et le temps viendra où chacun sera jugé d'après ses actes, alors il n'aura pas peur de la décision du pays. Et quant aux faits il (M. Dorion) et ses amis on voté pour toutes les mesures ministérielles.²⁸³

MR. SICOTTE the SPEAKER rappelle à l'ordre.²⁸⁴

MR. A. DORION continue et dit que s'il est hors d'ordre c'est qu'il a été entraîné par les messieurs qui l'ont précédé; mais pour retourner à la question, il dira que s'il a proposé l'amendement dont il s'agit, c'est que cet amendement est juste et raisonnable. Quelle assurance a-t-on que le coût de l'indemnité des seigneurs sera chargé sur le fonds consolidé comme le membre pour

Maskinongé l'a allégué? Peut-être ce monsieur et les autres messieurs de ce côté de la chambre connaissent les intentions du ministère; personne autre qu'eux ne les connaissent, et on a, en contradiction avec ce qui est proposé, les résolutions et le bill que le ministère a introduits, où il est dit qu'une certaine somme sera prise à même les fonds spéciaux du Bas-Canada et qu'une somme égale sera donnée pour des fins spéciales du Haut-Canada, des fonds provenant de cette partie de la province. Les membres pour Maskinongé, Laprairie et autres comtés peuvent s'assurer de ce qu'il dit, mais ces messieurs peuvent-ils mettre de la confiance dans les professions des hommes qui dans le dernier Parlement votaient fréquemment contre la proposition de donner aucune aide aux censitaires à même les fonds publics? Le membre pour Laprairie a dit aussi que l'argent qui forme une partie du fonds des Réserves n'est pas divisé en sommes bien différentes dans les deux parties de la province. C'est vrai, car il a démontré l'autre soir que déduction faite des charges dont les fonds des deux sections sont respectivement grevés, les balances sont presque égales. Mais c'est précisément parce qu'il s'agit des terres qu'il (M. D.) croit qu'il est fondé dans ses prétentions, que la propriété faisant partie du domaine de la couronne, doit nécessairement appartenir à la province entière. Ce qu'il voudrait faire c'est que toute la propriété fût mise dans le fonds consolidé et que le tout fût distribué de manière qu'une partie soit appliquée aux fins de l'éducation. Il ne demande pas qu'une injustice soit faite aux Townships, ni au Haut-Canada, mais il veut que toute la propriété publique soit partagée équitablement et que chaque partie l'approprie de la manière que bon lui semblera. Rien ne peut être plus juste. Et c'est si juste que les messieurs de l'autre côté disent que s'il n'est pas reconnu par un équivalent, ils voteront contre le bill pour régler les Réserves à la troisième lecture.

Il pense pourtant que ces Messieurs seront entraînés à voter une fois après l'autre, et qu'ils voteront une, deux, trois, ou s'il le faut, quatre fois, car c'est certainement le vote de ce soir qui décidera de la mesure. Encore on a dit que si le Bas-Canada ne gagne rien il ne perdra rien par ce bill puisqu'il ne possède pas aujourd'hui les terres des Réserves situées dans le Haut-Canada; mais malgré les talens du membre pour Laprairie, on ne peut faire ainsi prendre le change au peuple au dehors, car on voit très facilement que s'il ne perd rien, il aura perdu quelque chose qu'il aurait pu gagner. Il n'y a pas grande différence entre les deux choses. Quant à l'opposition systématique dont on accuse ce côté de la chambre, le public en jugera, et il verra que si le Bas-Canada gagne quelques choses, c'est parce que l'opposition a forcé le ministère contre sa volonté à faire marcher de pair les deux mesures des Réserves et de la Tenure; car si on avait passé le bill des Réserves avant le bill de la Tenure Seigneuriale, il n'y aurait pas eu moyen de forcer le ministère à grever le fonds consolidé du coût de l'indemnité seigneuriale. Il suppose que le ministère a manifesté l'intention que lui ont imputée ses amis; mais il voudrait bien l'entendre dire par le Commissaire des terres de la couronne. Dans le cas qu'il en serait ainsi, il répète que le public du Haut-Canada doit en remercier les membres de l'opposition. Jusqu'ici personne autres que les membres pour Maskinongé et Laprairie n'en a entendu parler, et il faut supposer que la promesse a été faite ce soir pour la première fois. Dans tous les cas des promesses faites dans les assemblées secrètes n'engagent personne, non plus que les promesses d'abolir la Tenure Seigneuriale [comme celle] que le Procureur Général (Est) a faite à Toronto en 1851.²⁸⁵

MR. AT. GEN. DRUMMOND dit qu'il n'a fait aucune promesse en 1851. Il introduisit un bill qui ressemblait beaucoup à celui qui vient d'être lu pour la

seconde fois. Mais il ne pouvait alors faire une telle promesse, parce qu'il n'était pas alors au ministère, et n'était pas appuyé par le ministère.²⁸⁶

MR. A. DORION.--Eh bien! les journaux avaient tort quand ils représentaient ainsi le Procureur Général. Il ne prétend pas soulever cette question, et se contente de dire que pour les raisons qu'il a mentionnées, il soutiendra l'amendement.²⁸⁷

MR. CAUCHON, spoke lengthily in French in support of the Government scheme.²⁸⁸

La discussion se prolonge pendant quelque temps²⁸⁹.

(259)

Mr. Sidney Smith moved, seconded by Mr. Pouliot, and the Question being put, That the Debate be adjourned until Thursday next; the House divided:-- And it passed in the Negative.

And the Question being put on the Amendment to the Original Question; the House divided: and the names being called for, they were taken down, as follows:--

YEAS.

Messieurs Bourassa, Bureau, Cooke, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Flint, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Marchildon, Masson, Papin, Prévost, Somerville, Valois, and Young.-- (22.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Bowes, Brodeur, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Desaulniers, Dionne, Attorney General Drummond, Egan, Felton, Fergusson, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Gill, Gould, Hartman, Jackson, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Matheson, Mattice, Meagher, Mongenais, Morin, Angus Morrison, Munro, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Whitney, Wright, and Yeilding.-- (90.)

So it passed in the Negative.

Then the Question being put, That it be an Instruction to the said Committee, that for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:--1. That an estimate be

(260)

forthwith made of the Capital sums which, upon the established principles for ascertaining the value of terminable annuities, would be equivalents for the assumption of the annual stipends or allowances of Upper and Lower Canada respectively, guaranteed under the late Imperial Clergy Reserve Act. 2. That all lands, arrears, proceeds, investments, interest dividends, rents and profits, belonging to the Clergy Reserve Funds, be transferred forthwith to the Crown, at a valuation to be now made--separation of the Funds of Upper and Lower Canada being maintained; that so much of the same as may have been ascertained as aforesaid, to be the Capital value of the stipends or allowances of Upper and Lower Canada respectively guaranteed under the Imperial Act, be

placed in the Consolidated Fund of the Province, to provide for the payment of such stipends or allowances, and that the said stipends or allowances shall there[u]pon become secured on the same, and be an annual charge thereon. 3. That the whole remainder of the Clergy Reserve Funds of Upper and Lower Canada respectively, be forthwith distributed in each Province, among the several County and City Municipalities, according to population, in cash or debentures, or a portion of each, as the public convenience may render expedient; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Brown, Fergusson, Ferrie, Flint, Foley, Frazer, Freeman, Gould, Hartman, Lumsden, Roderick Macdonald, Mackenzie, McKerlie, Mattice, Munro, Scatcherd, and Wright.--(19.)

NAYS.

Messieurs Alleyn, Bell, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Cook, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holton, Huot, Jackson, Labelle, Laberge, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Matheson, Meagher, Mongenais, Morin, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Prévost, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Thibaudeau, Valois, Whitney, Yeilding, and Young.--(92.)

So it passed in the Negative.

And the Question being also put, That it be an Instruction to the said Committee, that for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:--4. That there be no commutation of the stipends or allowances secured under the late Imperial Act, but the individuals interested be secured in the annual allowances guar-

(261)

anteed to them under the said Act, subject to all the existing conditions of their incumbencies; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Aikins, Biggar, Bourassa, Brown, Church, Darche, DeWitt, Antoine A. Dorion, Fergusson, Ferrie, Flint, Foley, Frazer, Freeman, Hartman, Holton, Lumsden, Mackenzie, McKerlie, Matheson, Mattice, Munro, Scatcherd, Valois, Wright, and Young.--(26.)

NAYS.

Messieurs Alleyn, Bell, Blanchet, Bowes, Brodeur, Bureau, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cooke, Cook, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Egan, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Huot, Jackson, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Mongenais, Morin, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes,

Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Thibaudeau, Whitney, and Yeilding.--(77.)

So it passed in the Negative.

And the Question being also put, That it be an Instruction to the said Committee, that for the better securing the final and immediate secularization of the Clergy Reserves, it has power to provide in the Bill:--5. That all amounts, sums and valuations herein previously referred to, and the names and descriptions of all parties to be entitled to any stipend or allowance under the same, and the sums to which they shall be so entitled, be forthwith ascertained and specified in the Bill or in Schedules to be attached thereto; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Brown, Church, Cooke, Daly, DeWitt, Antoine A. Dorion, Fergusson, Ferrie, Flint, Foley, Frazer, Freeman, Gould, Hartman, Holton, Langton, Lumsden, Mackenzie, McKerlie, Mattice, Angus Morrison, Munro, Scatcherd, James Smith, Southwick, Valois, Wright, and Young.--(29.)

(262)

NAYS.

Messieurs Alleyn, Bell, Biggar, Blanchet, Bowes, Brodeur, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cook, Crawford, Crysler, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Morin, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Whitney, and Yeilding.--(72.)

So it passed in the Negative.

Ordered, That the Order of the day for the House in Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, be postponed until Thursday next, and be then the first Order of the day.

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Morin,

The House adjourned until Thursday next.

APPENDIX: TUESDAY, 31 OCTOBER 1854.

[NOTICE OF MOTION RE: ADDRESS FOR GRAND TRUNK RAILWAY CONTRACTS.]

MR. YOUNG has given notice of an address to the Governor for copies of all contracts between the Government and the Grand Trunk Railway, or the other railways in which the Province is interested.²⁹⁰

[NOTICE OF MOTION RE: PETITIONS AGAINST POLICE MAGISTRATE JOHN MAGUIRE.]

MR. FERRES has given notice of his intention to move, this day:--"That, the Petition of the Rev. John Cook and others, together with several other complaints relative to the conduct of John Maguire, Esq., Police Magistrate of this city, be referred to a select Committee, to be composed of Messrs. Hartman, Dorion (of Drummond), Powell, Lyons, and the mover."²⁹¹

[NOTICE OF MOTION RE: GRAND TRUNK RAILWAY STOCK.]

MR. MACKENZIE has given notice of a motion for Th. Nov. 2nd,--For, 1. A list of the Stockholders of the Grand Trunk ... Railway Company, stating the shares they severally hold, and to whom the power of increasing and diminishing the number of their Directors, the order of rotation in which said Directors quit office, the number who can not as a quorum, and who can decide as to the times and places of general meetings, as provided in sections 9 and 10 of the Railway Bill 39.

2. A copy of the Indenture of Lease, and papers therewith connected, between the St. Lawrence and Atlantic Railroad Company, and Messrs. Ross, Holmes and Jackson, referred to in section 22 of Bill 39; with any other propositions of transfer intended to be authorized by said section.

3. A copy of all agreements with other Railways, or other works enumerated in the preamble to said Bill, for a general union, with a statement showing the nature and extent of the issues of bonds and shares authorized by said united Company.

4. A copy of any Report showing the necessity there is for increasing the Company's Capital Stock--any Reports to the Railway boards under authority of which Provincial bonds, or the proceeds of their sales, have been paid to the Grand Trunk Company,--also, how much has been so paid by Messrs. Glynn and ... Barning,--and a list of the Directors in office, with a statement of the compensations or salaries payable to all engineers, clerks, officers, and servants of the company, including the President, the Solicitors, Law Agents, &c.

5. A statement of all Provincial or other bonds or debentures, and all other loans paid or payable to all the Companies now included in the Grand Trunk Company, or proposed to be included showing the debentures or monies advanced to each Company, and the authority for such advances, guarantees, &c.

6. A statement in detail of the General Expenses Account, Canada, £157,644, laid before this House under the Statute, showing the several items of which that account consists.²⁹²

[QUESTION AND ANSWER RE: BUSINESS TO BE COMPLETED BEFORE ADJOURNMENT.]

MR. HOLTON said, he thought that the time had arrived when the House and the Country should know something of the intention of ministers with regard to the enormous mass of business with which the Order papers were loaded. Rumours were rife, and they were fast assuming the consistency of positive assertions, that any early adjournment of the House was in contemplation, and the absorption

of the whole time of the House, including the days usually allotted to private business, in the consideration of two²⁹³ or three²⁹⁴ leading government measures, was calculated to impart some degree of probability to such rumours. Now he (Mr. Holton) did not complain of the precedence given these two measures. On the contrary he approved of their being carried through with the utmost celerity, consistent with a proper consideration of these provisions; but he maintained that there were other measures before the House of nearly equal importance, and which could not be postponed without serious detriment to the public interests. Foremost among these he placed the applications for authority to increase the Banking capital of the country. It was unfortunately too true, that we were on the verge, if not already in the midst of, a commercial crisis of²⁹⁵ very great severity,²⁹⁶ and he warned honorable gentlemen²⁹⁷ who had the administration of public affairs,²⁹⁸ that they would incur a tremendous responsibility if they consented to an adjournment without²⁹⁹ the adoption of some measures calculated to afford some amelioration³⁰⁰ [of] the pressure on the commercial community³⁰¹ in the impending crisis. There was also the question of the tariff³⁰². It was of the utmost importance, that it should be re-adjusted before the period when³⁰³ merchants made up orders for their spring importations.³⁰⁴ Then there were the numerous amendments to Rail Road Charters and other local laws, the further postponement of which would produce great inconvenience, and in many cases, disaster. Under these circumstances he thought that it would not be considered unreasonable for him to enquire of minist. first, whether it was their intention to propose, or assent to an³⁰⁵ early adjournment of the House³⁰⁶ and secondly, if so, what business it was their intention to dispose of prior to such adjournment?³⁰⁷

MR. COM. CR. LANDS MORIN--Was much obliged to the honorable mover, for the advice he had given. He (Mr. M.) could not³⁰⁸, the question not being on the notice list,³⁰⁹ give any reply to the honorable member until he had consulted his colleagues.³¹⁰

MR. HOLTON had taken it for granted that the administration had already adopted some determinate line of policy on the subject. He had taken occasion in the early part of the day to mention to the Premier that he intended to bring the subject forward, and he had expected that the Government would have been prepared to state their views to the House without any further notice.³¹¹

MR. PRES. EX. COUN. MACNAB said that the honorable member had previously spoken to him (Sir A. McNab) in relation to this application, and³¹² had merely mentioned ... that he intended to ask certain questions in regard to the business of the House, and he then informed the hon. member that it was the usual Parliamentary practice to give notice in such cases, that he might have an opportunity of consulting his colleagues. He could give them no other information at present than that it was the determination of the Government to carry forward the Seigniorial Tenure and Clergy Reserves Bills as fast as possible, believing that in doing so they were consulting the wishes of the country and of this House, and that afterwards the private business would be gone on with³¹³ as fast as³¹⁴ the House would permit.³¹⁵

MR. HOLTON asked if the House was then [to] understand that it was not usual for the ministry to consent to adjournment before the private business had been disposed of³¹⁶, [and] whether ... there would be an early adjournment or not.³¹⁷

MR. PRES. EX. COUN. MACNAB said he had already³¹⁸ given the hon. member all the answer he could at present.³¹⁹

FOOTNOTES: TUESDAY, 31 OCTOBER 1854.

1. GLOBE, 9 November 1854 (in Scrapbook Hansard).
2. MORNING CHRONICLE, 4 November 1854.
3. GLOBE, 9 November 1854 (in Scrapbook Hansard).
4. TORONTO LEADER, 7 November 1854.
5. GLOBE, 9 November 1854 (in Scrapbook Hansard).
6. TORONTO LEADER, 7 November 1854.
7. GLOBE, 9 November 1854 (in Scrapbook Hansard).
8. MORNING CHRONICLE, 4 November 1854.
9. GLOBE, 9 November 1854 (in Scrapbook Hansard).
10. MORNING CHRONICLE, 4 November 1854.
11. GLOBE, 9 November 1854 (in Scrapbook Hansard).
12. MORNING CHRONICLE, 4 November 1854.
13. GLOBE, 9 November 1854 (in Scrapbook Hansard).
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. TORONTO LEADER, 7 November 1854.
25. GLOBE, 9 November 1854 (in Scrapbook Hansard).
26. TORONTO LEADER, 7 November 1854.
27. GLOBE, 9 November 1854 (in Scrapbook Hansard).
28. TORONTO LEADER, 7 November 1854.
29. GLOBE, 9 November 1854 (in Scrapbook Hansard).
30. TORONTO LEADER, 7 November 1854.
31. GLOBE, 9 November 1854 (in Scrapbook Hansard).
32. TORONTO LEADER, 7 November 1854.
33. GLOBE, 9 November 1854 (in Scrapbook Hansard).
34. MORNING CHRONICLE, 4 November 1854.
35. GLOBE, 9 November 1854 (in Scrapbook Hansard).
36. MORNING CHRONICLE, 4 November 1854.
37. TORONTO LEADER, 7 November 1854.
38. GLOBE, 9 November 1854 (in Scrapbook Hansard).
39. TORONTO LEADER, 7 November 1854.
40. GLOBE, 9 November 1854 (in Scrapbook Hansard).
41. TORONTO LEADER, 7 November 1854.
42. GLOBE, 9 November 1854 (in Scrapbook Hansard).
43. MORNING CHRONICLE, 4 November 1854.
44. GLOBE, 9 November 1854 (in Scrapbook Hansard).
45. MORNING CHRONICLE, 4 November 1854.
46. TORONTO LEADER, 7 November 1854.
47. GLOBE, 9 November 1854 (in Scrapbook Hansard).
48. TORONTO LEADER, 7 November 1854.
49. GLOBE, 9 November 1854 (in Scrapbook Hansard).
50. TORONTO LEADER, 7 November 1854.
51. GLOBE, 9 November 1854 (in Scrapbook Hansard).

52. TORONTO LEADER, 7 November 1854.
53. GLOBE, 9 November 1854 (in Scrapbook Hansard).
54. MORNING CHRONICLE, 4 November 1854.
55. GLOBE, 9 November 1854 (in Scrapbook Hansard).
56. MORNING CHRONICLE, 4 November 1854.
57. GLOBE, 9 November 1854 (in Scrapbook Hansard).
58. TORONTO LEADER, 7 November 1854.
59. GLOBE, 9 November 1854 (in Scrapbook Hansard).
60. TORONTO LEADER, 7 November 1854.
61. MORNING CHRONICLE, 4 November 1854.
62. GLOBE, 9 November 1854 (in Scrapbook Hansard).
63. MORNING CHRONICLE, 4 November 1854.
64. GLOBE, 9 November 1854 (in Scrapbook Hansard).
65. MORNING CHRONICLE, 4 November 1854.
66. GLOBE, 9 November 1854 (in Scrapbook Hansard).
67. MORNING CHRONICLE, 4 November 1854.
68. GLOBE, 9 November 1854 (in Scrapbook Hansard).
69. TORONTO LEADER, 7 November 1854.
70. GLOBE, 9 November 1854 (in Scrapbook Hansard).
71. TORONTO LEADER, 7 November 1854.
72. GLOBE, 9 November 1854 (in Scrapbook Hansard).
73. TORONTO LEADER, 7 November 1854.
74. GLOBE, 9 November 1854 (in Scrapbook Hansard).
75. TORONTO LEADER, 7 November 1854.
76. MORNING CHRONICLE, 4 November 1854.
77. TORONTO LEADER, 7 November 1854.
78. GLOBE, 9 November 1854 (in Scrapbook Hansard).
79. MORNING CHRONICLE, 4 November 1854.
80. GLOBE, 9 November 1854 (in Scrapbook Hansard).
81. TORONTO LEADER, 7 November 1854.
82. GLOBE, 9 November 1854 (in Scrapbook Hansard).
83. TORONTO LEADER, 7 November 1854.
84. GLOBE, 9 November 1854 (in Scrapbook Hansard).
85. TORONTO LEADER, 7 November 1854.
86. GLOBE, 9 November 1854 (in Scrapbook Hansard).
87. TORONTO LEADER, 7 November 1854.
88. GLOBE, 9 November 1854 (in Scrapbook Hansard).
89. TORONTO LEADER, 7 November 1854.
90. GLOBE, 9 November 1854 (in Scrapbook Hansard).
91. TORONTO LEADER, 7 November 1854.
92. GLOBE, 9 November 1854 (in Scrapbook Hansard).
93. IBID.
94. TORONTO LEADER, 7 November 1854.
95. GLOBE, 9 November 1854 (in Scrapbook Hansard).
96. TORONTO LEADER, 7 November 1854.
97. GLOBE, 9 November 1854 (in Scrapbook Hansard).
98. TORONTO LEADER, 7 November 1854.
99. GLOBE, 9 November 1854 (in Scrapbook Hansard).
100. TORONTO LEADER, 7 November 1854, which referred to it as the third resolution, not the second.
101. GLOBE, 9 November 1854 (in Scrapbook Hansard).
102. MORNING CHRONICLE, 4 November 1854.
103. GLOBE, 9 November 1854 (in Scrapbook Hansard).

104. IBID.
105. IBID.
106. MORNING CHRONICLE, 4 November 1854.
107. GLOBE, 9 November 1854 (in Scrapbook Hansard).
108. MORNING CHRONICLE, 4 November 1854.
109. GLOBE, 9 November 1854 (in Scrapbook Hansard).
110. TORONTO LEADER, 7 November 1854.
111. GLOBE, 9 November 1854 (in Scrapbook Hansard).
112. MORNING CHRONICLE, 4 November 1854.
113. GLOBE, 9 November 1854 (in Scrapbook Hansard).
114. MORNING CHRONICLE, 4 November 1854.
115. TORONTO LEADER, 7 November 1854.
116. GLOBE, 9 November 1854 (in Scrapbook Hansard).
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. TORONTO LEADER, 7 November 1854.
122. GLOBE, 9 November 1854 (in Scrapbook Hansard).
123. IBID.
124. TORONTO LEADER, 7 November 1854.
125. GLOBE, 9 November 1854 (in Scrapbook Hansard).
126. TORONTO LEADER, 7 November 1854.
127. GLOBE, 9 November 1854 (in Scrapbook Hansard).
128. TORONTO LEADER, 7 November 1854.
129. GLOBE, 9 November 1854 (in Scrapbook Hansard).
130. TORONTO LEADER, 7 November 1854.
131. GLOBE, 9 November 1854 (in Scrapbook Hansard).
132. TORONTO LEADER, 7 November 1854.
133. IBID.
134. IBID.
135. GLOBE, 9 November 1854 (in Scrapbook Hansard).
136. TORONTO LEADER, 7 November 1854.
137. GLOBE, 9 November 1854 (in Scrapbook Hansard).
138. TORONTO LEADER, 7 November 1854.
139. GLOBE, 9 November 1854 (in Scrapbook Hansard).
140. TORONTO LEADER, 7 November 1854.
141. GLOBE, 9 November 1854 (in Scrapbook Hansard).
142. IBID.
143. TORONTO LEADER, 7 November 1854.
144. GLOBE, 9 November 1854 (in Scrapbook Hansard).
145. TORONTO LEADER, 7 November 1854.
146. GLOBE, 9 November 1854 (in Scrapbook Hansard).
147. TORONTO LEADER, 7 November 1854.
148. GLOBE, 9 November 1854 (in Scrapbook Hansard).
149. TORONTO LEADER, 7 November 1854.
150. GLOBE, 9 November 1854 (in Scrapbook Hansard).
151. IBID.
152. MORNING CHRONICLE, 4 November 1854.
153. GLOBE, 9 November 1854 (in Scrapbook Hansard).
154. TORONTO LEADER, 7 November 1854.
155. GLOBE, 9 November 1854 (in Scrapbook Hansard).
156. TORONTO LEADER, 7 November 1854.

157. GLOBE, 9 November 1854 (in Scrapbook Hansard).
158. MORNING CHRONICLE, 4 November 1854.
159. GLOBE, 9 November 1854 (in Scrapbook Hansard).
160. MORNING CHRONICLE, 4 November 1854.
161. TORONTO LEADER, 7 November 1854.
162. GLOBE, 9 November 1854 (in Scrapbook Hansard).
163. TORONTO LEADER, 7 November 1854.
164. GLOBE, 9 November 1854 (in Scrapbook Hansard).
165. TORONTO LEADER, 7 November 1854.
166. GLOBE, 9 November 1854 (in Scrapbook Hansard).
167. TORONTO LEADER, 7 November 1854.
168. GLOBE, 9 November 1854 (in Scrapbook Hansard).
169. TORONTO LEADER, 7 November 1854.
170. MORNING CHRONICLE, 4 November 1854.
171. GLOBE, 9 November 1854 (in Scrapbook Hansard).
172. TORONTO LEADER, 7 November 1854. The GLOBE, 9 November 1854 (in Scrapbook Hansard), refers to the President of the Wesleyan Conference as Rev. Enoch Wood.
173. MORNING CHRONICLE, 4 November 1854.
174. TORONTO LEADER, 7 November 1854.
175. GLOBE, 9 November 1854 (in Scrapbook Hansard).
176. TORONTO LEADER, 7 November 1854.
177. GLOBE, 9 November 1854 (in Scrapbook Hansard).
178. TORONTO LEADER, 7 November 1854.
179. GLOBE, 9 November 1854 (in Scrapbook Hansard).
180. TORONTO LEADER, 7 November 1854.
181. GLOBE, 9 November 1854 (in Scrapbook Hansard).
182. MORNING CHRONICLE, 4 November 1854.
183. TORONTO LEADER, 7 November 1854.
184. MORNING CHRONICLE, 4 November 1854.
185. GLOBE, 9 November 1854 (in Scrapbook Hansard).
186. MORNING CHRONICLE, 4 November 1854.
187. TORONTO LEADER, 7 November 1854.
188. GLOBE, 9 November 1854 (in Scrapbook Hansard).
189. TORONTO LEADER, 7 November 1854.
190. GLOBE, 9 November 1854 (in Scrapbook Hansard).
191. TORONTO LEADER, 7 November 1854.
192. GLOBE, 9 November 1854 (in Scrapbook Hansard).
193. TORONTO LEADER, 7 November 1854.
194. GLOBE, 9 November 1854 (in Scrapbook Hansard).
195. MORNING CHRONICLE, 4 November 1854.
196. IBID.
197. IBID.
198. IBID.
199. IBID.
200. IBID.
201. IBID.
202. IBID.
203. GLOBE, 9 November 1854 (in Scrapbook Hansard).
204. MORNING CHRONICLE, 4 November 1854.
205. GLOBE, 9 November 1854 (in Scrapbook Hansard).
206. IBID.
207. TORONTO LEADER, 7 November 1854.

208. GLOBE, 9 November 1854 (in Scrapbook Hansard).
209. MORNING CHRONICLE, 4 November 1854.
210. GLOBE, 9 November 1854 (in Scrapbook Hansard).
211. TORONTO LEADER, 7 November 1854.
212. GLOBE, 9 November 1854 (in Scrapbook Hansard).
213. MORNING CHRONICLE, 4 November 1854.
214. GLOBE, 9 November 1854 (in Scrapbook Hansard).
215. TORONTO LEADER, 7 November 1854.
216. GLOBE, 9 November 1854 (in Scrapbook Hansard).
217. MORNING CHRONICLE, 4 November 1854.
218. GLOBE, 9 November 1854 (in Scrapbook Hansard).
219. IBID.
220. IBID.
221. IBID.
222. IBID.
223. MORNING CHRONICLE, 4 November 1854.
224. GLOBE, 9 November 1854 (in Scrapbook Hansard).
225. MORNING CHRONICLE, 4 November 1854.
226. GLOBE, 9 November 1854 (in Scrapbook Hansard).
227. MORNING CHRONICLE, 4 November 1854.
228. GLOBE, 9 November 1854 (in Scrapbook Hansard).
229. MORNING CHRONICLE, 4 November 1854.
230. GLOBE, 9 November 1854 (in Scrapbook Hansard).
231. TORONTO LEADER, 7 November 1854.
232. GLOBE, 9 November 1854 (in Scrapbook Hansard).
233. LE PAYS, 9 November 1854.
234. GLOBE, 9 November 1854 (in Scrapbook Hansard).
235. MORNING CHRONICLE, 4 November 1854.
236. TORONTO LEADER, 7 November 1854.
237. GLOBE, 9 November 1854 (in Scrapbook Hansard).
238. TORONTO LEADER, 7 November 1854.
239. LE PAYS, 9 November 1854.
240. TORONTO LEADER, 7 November 1854.
241. MORNING CHRONICLE, 4 November 1854.
242. TORONTO LEADER, 7 November 1854.
243. IBID.
244. MORNING CHRONICLE, 4 November 1854.
245. LE PAYS, 9 November 1854.
246. TORONTO LEADER, 7 November 1854.
247. LE PAYS, 9 November 1854.
248. TORONTO LEADER, 7 November 1854.
249. LE PAYS, 9 November 1854.
250. TORONTO LEADER, 7 November 1854.
251. LE PAYS, 9 November 1854.
252. MORNING CHRONICLE, 4 November 1854.
253. LE PAYS, 9 November 1854.
254. TORONTO LEADER, 7 November 1854.
255. MORNING CHRONICLE, 4 November 1854.
256. TORONTO LEADER, 7 November 1854.
257. MORNING CHRONICLE, 4 November 1854, which also notes at the end of this speech, "Mr. Papin said that what he had stated was upon his own authority." However, MONTREAL GAZETTE, 6 November 1854, and NORTH AMERICAN WEEKLY, 22 November 1854, indicate that Mr. Turcotte was the speaker.

- 258. TORONTO LEADER, 7 November 1854.
- 259. LE PAYS, 9 November 1854.
- 260. TORONTO LEADER, 7 November 1854.
- 261. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 262. MORNING CHRONICLE, 4 November 1854.
- 263. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 264. TORONTO LEADER, 7 November 1854.
- 265. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 266. IBID.
- 267. IBID.
- 268. IBID.
- 269. IBID.
- 270. LE PAYS, 9 November 1854.
- 271. TORONTO LEADER, 7 November 1854.
- 272. LE PAYS, 9 November 1854.
- 273. IBID.
- 274. TORONTO LEADER, 7 November 1854.
- 275. IBID.
- 276. LE PAYS, 9 November 1854.
- 277. IBID.
- 278. MORNING CHRONICLE, 4 November 1854.
- 279. TORONTO LEADER, 7 November 1854.
- 280. MORNING CHRONICLE, 4 November 1854.
- 281. IBID.
- 282. IBID.
- 283. LE PAYS, 9 November 1854.
- 284. IBID.
- 285. IBID.
- 286. IBID.
- 287. IBID.
- 288. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 289. LE PAYS, 9 November 1854.
- 290. MONTREAL GAZETTE, 4 November 1854.
- 291. Telegraph (QUEBEC GAZETTE, 2 November 1854).
- 292. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
- 293. MORNING CHRONICLE, 4 November 1854.
- 294. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 295. MORNING CHRONICLE, 4 November 1854.
- 296. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 297. MORNING CHRONICLE, 4 November 1854.
- 298. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 299. MORNING CHRONICLE, 4 November 1854.
- 300. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 301. MORNING CHRONICLE, 4 November 1854.
- 302. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 303. MORNING CHRONICLE, 4 November 1854.
- 304. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 305. MORNING CHRONICLE, 4 November 1854.
- 306. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 307. MORNING CHRONICLE, 4 November 1854.
- 308. IBID.
- 309. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 310. MORNING CHRONICLE, 4 November 1854.

- 311. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 312. MORNING CHRONICLE, 4 November 1854.
- 313. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 314. MORNING CHRONICLE, 4 November 1854.
- 315. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 316. MORNING CHRONICLE, 4 November 1854.
- 317. GLOBE, 9 November 1854 (in Scrapbook Hansard).
- 318. MORNING CRHONICLE, 4 November 1854.
- 319. GLOBE, 9 November 1854 (in Scrapbook Hansard).

THURSDAY, 2 NOVEMBER 1854.

(262)

MR. SPEAKER laid before the House, the following Return, Report, and Statements received in pursuance of the Order of this House, of the 14th of September last.

Return from the Registrar of the County of Welland.

For the said Return, see Appendix (Z.)

Report of the Directors of the Montreal Horticultural Society for 1853-4.

For the said Report, see Appendix (I.I.)

Statements of the Affairs of the Gore Bank, and of the Quebec Bank, on the 30th September, 1854.

For the said Statements, see Appendix (E.E.)

Statement of the Affairs of the Toronto General Hospital, to the 1st September, 1854.

For the said Statement, see Appendix (A.A.)

(263)

Statement of the Affairs of the Champlain and St. Lawrence Railroad Company, during the year 1853.

For the said Statement, see Appendix (F.F.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young.--The Petition of William F. Coffin, Attorney and Agent in behalf of the Inhabitants of the Counties of Clinton, Essex and Franklin, in the State of New York.

By Mr. Church.--The Petition of Stephen Carledge and others, of Wolford.

By Mr. Stevenson.--The Petition of Walter C. Crofton, of Quebec.

By Mr. Fergusson.--The Petition of Ann H. Booth and others, females of the Village of Fergus; and the Petition of George Pirie and others, of the Counties of Wellington and Grey.

By Mr. Mattice.--The Petition of James Bogg and others, of the Township of Roxborough.

By Mr. Darche.--The Petition of Simon Bertrand and others, of the County of Rouville; the Petition of Louis Bélanger and others, of the Parish of St. Martin, County of Laval; two Petitions of P. Blanchet and others, of the Parish of St. Mathias; and the Petition of J.B. Obertin and others, of the Parish of Varennnes, County of Verchères.

By Mr. Fournier.--The Petition of L. Desjardins and others, of the Parishes of St. Jean Port Joli, and St. Roch, County of L'Islet.

By Mr. Mackenzie.--The Petition of Wellington Square Division, No. 103; the ... Petition of Oakville Division, No. 61; the Petition of Acton Division, No. 242; and the Petition of Troy Division, No. 244, all of the Order of the Sons of Temperance.

By Mr. Antoine Aimé Dorion.--The Petition of the Cure and Churchwardens of the Fabrique of the Parish of the Saint Nom de Marie, of Montreal.

By Mr. Frazer.--The Petition of Joseph Anderson and others, of the County of Welland.

By Mr. Sanborn.--The Petition of S.A. Hurd and others, of the Townships of Eaton, Newport, and Clifton, in the District of St. Francis; and the Petition of William Smith and others, of the Township of Brompton.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an

Address of the Legislative Assembly to His Excellency the Governor General, dated 25th September, 1854; praying that His Excellency will be pleased to cause to be laid before this House, a Statement in detail of the objects to which the sum of Sixty thousand pounds, (or any part thereof) appropriated in the Session of 1852-53, for opening up the waste lands of the Province has been applied.

For the said Return, see Appendix (M.M.)

Ordered, That the said Return be printed for the use of the Members of this House.

Pursuant to the Order of the day, the following Petitions were read:--

Of Levi Bigelow and others, on behalf of the Georgeville High School, and the Georgeville District School; praying for aid.

Of A. Polette, Esquire, and others, Members of the Committee of the Three Rivers Academy; praying for aid on behalf of that Institution.

Of the Municipal Council of the County of Hastings; praying the passing of an Act to incorporate a Company for the construction of a Train Road from Belleville to the Marmora Iron Works.

Of M.B. Roblin and others, of the Township of Sidney; of Daniel McDougall

(264)

and others, of the Township of Vaughan, County of York; of William Kyte and others, of the Township of North Easthope; of John McRae and others, workers on the Gravel Road west of Stratford, County of Perth; of the Reverend Daniel Allan and others, of the Township of Stratford, County of Kent; of Charles R. Black and others, of the County of Renfrew; and of Bowmanville Division, No. 39, of the Order of the Sons of Temperance; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend J.N. Guertin and others, of the Parish of Grondines, County of Portneuf; praying aid for the construction of a Bridge over the River Ste. Anne, in the Parish of St. Casimir.

Of P.J. David and others, of St. Ignace du Côteau du Lac, and other Parishes; praying that the Seat of the County of Soulanges may be established at the Village of Ruisseau Saint Hyacinthe.

Of Thomas Watson and others, Proprietors and holders of Stock in the Montreal and New York Railroad Company; praying that the Petition of the Montreal and New York Railroad Company, for the amending of their Act of Incorporation so as to confirm the amalgamation of the said Road with that of the Champlain and St. Lawrence Railroad Company, may not be granted.

Of Major General George A. Wetherall, and Charles Martin, Esquire, a Lieutenant of Her Majesty's 95th Regiment of Infantry; representing that they have advanced a large sum of money as a Loan to the Montreal and New York Railroad Company, and praying that the Petition of the said Company for the amending of their Act of Incorporation so as to confirm the amalgamation of the said Road with that of the Champlain and St. Lawrence (sic) Railroad Company may not be granted, unless they are repaid the amount so loaned to the first mentioned Company aforesaid.

Of James O'Connor and others; and of Simon Bertrand and others; praying for indemnity to all those persons who have been unjustly excluded from the benefits of the Act granting indemnity to sufferers by the Rebellion of 1837 and 1838.

Of Louis C. Lefrançois, Registrar of the County of Montmorency; praying compensation for expenses incurred and damage sustained by him in consequence of certain charges preferred against him as Returning Officer in the year 1851, during the Election of a Member to represent the said County in Parliament, and

on which charges, after certain proceedings of the House, he has never been permitted to make his defence.

Of P. Pelletier and others, of the County of Kamouraska; praying for aid for a Survey from Lake St. François to Dégelé, and for the opening of a Road from Ste. Hélène to Lake St. François aforesaid.

Of P. Pelletier and others, of the County of Kamouraska; praying for aid to repair or rebuild the Court House and Gaol of the said County.

Of P. Dumais and others, of the Parish of St. Louis and other places, in the County of Kamouraska; praying aid for the construction of a Wharf or Pier at L'Isle Brulée.

Of Charles Berczy and others, Owners and Lessees of Water Lots in the City of Toronto; praying that in the Bill to amend the Toronto Esplanade Act, certain provisions may be enacted for the protection of their rights and interests in the said Water Lots.

Of the Corresponding Committee at Montreal of the Colonial Church and School Society; praying for aid.

Of James Jamieson and others; praying for certain amendments to the Act 11 Vic. c. 10, relating to the construction of Aprons to Dams upon the River Moira.

Of George Wheeler and others, of the Township of Hungerford; and of James Ketcheson and others, of the Township of Huntingdon; praying aid for the improvement of Roads and Bridges.

(265)

Of Frederick C. Capreol, of the City of Toronto; representing that he was the originator of the Ontario, Simcoe and Huron Railroad, and incurred great personal expense and liability in initiating the proceedings of the Company and obtaining a Charter, to meet which he received a certain amount of the Company's Bonds as preferential; but that the Company now disregard the said obligation, whereby he is in danger of suffering great loss; and praying relief in the premises.

Of the Board of Trade of the City of Toronto; representing that F.C. Capreol was the originator of the Ontario, Simcoe and Huron Railroad, and has been mainly instrumental in carrying the same into operation--that he incurred heavy expenses and personal labors therein, without having received compensation therefor; and praying that the Company of the said Railroad may be compelled to make good, without delay, certain preferential Bonds given him to cover such preliminary expenses aforesaid.

Of the Municipality of the Township of Wellesley; praying that the Laws relating to Aliens may be amended, by diminishing the time required for the naturalization of Foreigners to the term of four years.

Of François Lapointe and others, practising Pilots for the Port of Quebec; praying that the Bill to regulate the Pilotage for and below the Port of Quebec may not pass into Law.

Of the Reverend F.X. Delage and others, of the Seigniority of St. Cyrille de Lessard, County of L'Islet; praying for aid to open a Road to the Parish of L'Islet.

Of Simon Bertrand and others; praying for the abolition of the Seigniorial Tenure in Lower Canada.

Of Simon Bertrand and others; praying that the proprietors of the Chambly and Granby Turnpike Road may be compelled to keep the said Road in better condition than it is now kept.

Of Nicolas Brouillet and others, of the Parish of St. Mathias, County of Rouville; and of Pierre Reneau and others, of Boucherville and St. Bruno, County

of Chambly; praying for the passing of the Bill to repeal part of the Ordinance 3 & 4 Vic. c. 25, relating to Winter Roads.

Of James Durand and others, Registrars of Counties in Upper Canada; praying for the restoration of the scale of Fees of last year, or that each Registrar may be allowed a salary for a Clerk, and rent for an office where he now provides it himself.

Of Wellington H. Richmond, of the City of Toronto; praying that a number of his Work entitled "Richmond's Book of Legal Forms and Law Manual for the legal transaction of business," may be purchased for the use of the House, in order to encourage the said publication.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Third Report of the said Committee; which was read, as followeth:--

After advertizing in the city Newspapers of Quebec and Montreal for the usual time, Your Committee received Tenders from the following persons, for the Printing, Binding, and Printing Paper, required by Your Honorable House for the present Session:--

For the Sessional Printing, from Messieurs Lovell and Lamoureux.

For the Journals and Appendices, from Messieurs Lovell and Lamoureux; Messieurs Campbell and Perrault; and Mr. E.R. Fréchette.

For Binding, from Messieurs T. & L. Lemieux; Messieurs R. & A. Miller; and Mr. A. Dredge.

For Printing paper, from Messieurs Bainbridge and Company, Messieurs Lovell and Company; and Messieurs Campbell and Perrault.

Of the above Tenders, Your Committee have accepted those of Messieurs Lovell and Lamoureux for the Sessional Printing, it being the only Tender for this work.

(266)

Of Messieurs Campbell and Perrault, for the Journals and Appendices, their Tender being the lowest.

Of Mr. Dredge for the Binding, it being also the lowest Tender; and

Of Messieurs Lovell and Company for the Printing Paper, their sample being the cheapest of its weight and quality.

The attention of Your Committee was given to the price charged, and heretofore allowed, for folding and stitching by the Contractors for the Sessional Printing. Upon enquiring of Binding Establishments in this City, they ascertain that this charge is an exhorhitant (sic) one, and before accepting their present Tender, insisted upon a reduction of fifty per cent, upon this charge, which Your Committee have pleasure in saying has been submitted to.

Your Committee have given directions that security shall be given by the several parties whose Tenders are accepted, for the faithful performance of the work, and for the supply of the material required.

Ordered, That the said Report be printed for the use of the Members of this House.

The Honorable Mr. Cameron, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, informed the House, That the Committee had been engaged for several days in the consideration of the said Petition, and heard and examined several witnesses thereon; and, according to the direction of the Committee, evidence having been given by the Petitioners against a certain number of votes polled for the Sitting Member, the Committee have called upon the Sitting Member to strike off an equal number of votes polled for the opposing Candidate; but as the Committee had already given the Sitting Member a fortnight's time to put in his list of objected votes, and that time will not expire until Friday, the tenth day of November instant, the

Committee, by the consent of both parties, desire to adjourn until Ten o'clock in the forenoon of that day, as they can only meet pro forma in the meantime.

Ordered, That the said Committee have leave to adjourn until Friday the tenth instant, at Ten o'clock in the forenoon.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the English version only of the Bill, intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six, in Division A, of the Township of Guelph, and the re-investment of the proceeds for the objects of the trust;" and the same was read, as followeth:--

Page 1, line 6, After "Adam" insert "Johnston."

The said Amendment, being read a second time, was agreed to.

Ordered, That Mr. Clarke do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment to the English version only, without any Amendment.

On motion of MR. HOLTON,¹

(266)

Ordered, That the Petition of Frederick C. Capreol, of the City of Toronto; the Petition of the Board of Trade of the City of Toronto; and the Petition of Major General George A. Wetherall, and Charles Martin, Esquire, a Lieutenant of Her Majesty's 95th Regiment of Infantry, be printed for the use of the Members of this House.

On motion of MR. SOL. GEN. H. SMITH,²

(266)

Resolved, That a Message be sent to the Legislative Council, to inform their Honors, that this House do give leave to the Honorable William B. Robinson, and Arthur Rankin, Esquire, Members of this House, if they think fit, to attend and

(267)

give evidence before the Select Committee of the Legislative Council appointed to enquire into the accusations made against the Members of the late Administration.

Ordered, That Mr. Solicitor General Smith do carry the said Message to the Legislative Council.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of Lenox and Addington, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Sidney Smith, Esquire, the Honorable John Young, Basil Rorison Church, Esquire, Robert Bell, Esquire; Chairman, Thomas Jean Jacques Loranger, Esquire.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Louis Léon Lesieur Desaulniers, Esquire, Joseph Dufresne, Esquire, Thomas Fortier, Esquire, David Barker Stevenson, Esquire; Chairman, Timothy Lee Terrill, Esquire.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine

the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, to which they had annexed the Petitions referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Jean Baptiste Mongenais, Esquire, Edmund Murney, Esquire, Luther H. Holton, Esquire, Alanson Cooke, Esquire; Chairman, James Smith, Esquire.

MR. AT. GEN. J.A. MACDONALD moved that the orders of the day be now called³.

(267)

The Order of the day for the House in Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;

CAPT. RHODES moved that following instruction to the Committee of the Whole on the Clergy Reserves Bill: "That the 5th clause of said Bill be amended, by limiting the said clause to Upper Canada only, and that the said 5th clause be followed by the following clause, (to be numbered as clause No. 6,) 'the amount of the Municipality Fund in and for Lower Canada remaining unexpended and unappropriated, under the foregoing provisions of this Act on the 31st day of December in each year, shall, by the Receiver General, be appropriated equally among the several Protestant Sects or Denominations for General Education or Religious Instruction in proportion to the number of their Members respectively, according to the then last Census, made either under the Act to provide more effectually for taking a periodical Census, or any other Act under which a Census may be legally taken in Lower Canada or the Municipalities thereof.'" He said the subject to come before the House was so calculated to create excitement that he would try to approach it with all the deliberation possible. He professed to understand the feelings of the majority of Lower Canada; and although it might seem strange that he, a Protestant, should undertake to speak the feelings of a population the majority of whom were Catholics, yet he should speak not only the feelings of his own constituents but a very large majority of the population of Lower Canada. At the late election he stated that he believed the Government which existed then was the best combination that could be formed and also that he was opposed to the unconditional secularization of the Clergy Reserves; and it was to that declaration that he owed his election and the opportunity he now had of addressing the House on the subject.⁴ Although he was a Protestant, the parties who had supported him in his election were the Roman Catholics of Megantic, and the reasonable portion of the Protestant community which he represented.⁵ He considered it an act of gross injustice to those unfortunate Protestants especially, who by the provisions of the Act of 1791 had been induced to settle in the wild parts of the country, hoping that the means of religious instruction to themselves and their posterity, would always be kept up.⁶ The Eastern Townships, where the Clergy Reserves of Lower Canada were situated, had been settled by Protestants, and it was by their labor that these lands had been made valuable. They settled there in the expectation that the time would come when these Reserves would be sufficient to support their Clergy; and he contended that faith had been broken with them.⁷ In Lower Canada the Protestant Clergy Reserves had always been appropriated to the purposes for which they were given, but in Upper Canada they had been diverted. In Lower Canada the Clergy Reserves had never existed, but in the Protestant townships a portion of land had been set apart for their support, and the effect was extremely beneficial, as through their labor the lands were improved.⁸ This bill proposed to give these lands

in Lower Canada to the municipalities; and⁹ the effect of the measure in Lower Canada would practically be to hand over the Protestant Clergy Reserves to the Roman Catholic portion of the community,¹⁰ who lived in another part of the country and who had given no value to these lands by their labor. The Protestants of Lower Canada had desired the secularization of these Reserves for the purpose of being distributed among themselves; while the Roman Catholics, except a few violent ones¹¹ he believed, would be agreeable to that proposal.¹² This bill might be intended to cure a great social evil in Upper Canada, but here it would be creating an evil of far greater magnitude. In Lower Canada, the proceeds of these Reserves were given only for the benefit of the poor.¹³ He should always wish to be considered, a liberal supporter of all churches, and should always be in favor of furnishing means to sustain those who devoted their lives to the good of their fellow beings. The Church of England, of which he has a member, had been spoken disparagingly of by one of the Representatives of Upper Canada, and he presumed that hon. gentleman had spoken from information which he considered correct, but he could assure that hon. member that the Church of England in Lower Canada had always maintained a proper position, and the small sum of money she received from the Reserves, amounting only to £2300, had been distributed in the way it ought to be.¹⁴ In this city, there were two missionaries who received £75 each a year from the fund; but they attended only the emigrants, the sailors and the lumberers of the city.¹⁵ The rest of the appropriation from this fund was devoted to the services of Missionaries and Clergymen who live in the back Townships. It was very plain to intelligent minds, that the Church of England was nothing but a compromise between two extreme opinions, (hear, hear,) and he was surprised to see in the House of Assembly a union of members of the Roman Catholic Church¹⁶ of Lower Canada¹⁷ and dissenters formed, as it were, to attack and destroy the Church of England¹⁸--(Hear, hear.)¹⁹ in this Province. He could tell the Roman Catholics that the great objection those sectarians had to the Church of England was, that she had too much Popery in her composition. The views expressed by many gentlemen from Upper Canada were simply the views of the Puritans and Covenanters of England who obtained a considerable share of power between the Reformation and the Restoration. And what did those views at that time lead to? Were not those parties remarkable for their excessive intolerance, and did not every Englishman know how dangerous it was to admit people of that sort into anything like power, since it was to their proceedings that we owed some of the darkest pages of English history. It was that body who were chargeable with the murder of the king of England, and if either here or elsewhere they could again obtain power, they would be remarkable again for their intolerance. (Ironical cries of hear, hear.) When those men in England came to lie at the head of the State nothing would satisfy them but a foul and atrocious crime, and the country to get rid of them was obliged to establish a military despotism. There was another class of men opposed to religious establishments.²⁰ There was a class in this country opposed to all state churches.²¹ Their views were the same as those of the men whom the world saw at a later period, the philosophers and political economists of France, who lived at the time when the world amused itself with the writings of such men as Voltaire. And what was the result of allowing those men to come to the head of affairs? Similar crimes, and a similar military despotism. He alluded to these matters of history to warn the House whither the course they were now pursuing would lead them, for it was a new thing in Lower Canada for parties to come forward to interfere with the religious endowments of our Churches.²² Now, it was proposed by this bill to hand this property to the municipalities, but he

thought that it was right to hand over to the municipalities property which was laid aside for the support of religion. Nor did he like Upper Canada to force upon Lower Canada a system of Government for which the latter was unprepared. He referred to a letter addressed by Bishop Strachan to the Commissioners (sic) of Crown Lands, wherein he characterized the secularization of the Clergy Reserves, as the most atrocious act of Legislation and unfairness which had occurred since the time of the French Revolution (hear, hear). In a letter written by eight or ten Roman Catholic Bishops, in this part of the province, very similar terms were used. There was no doubt of the fact, that the Protestants felt themselves severely injured by the secularization of these Reserves.²³ A private letter he had received from a magistrate in his own county, a member of the Church of Scotland ... styled the secularization of the Reserves "a cunning piece of villany," and said that "greedy of gain as they supposed Dr. Strachan and others to be, he presumed they would not hesitate to adopt any measures to prevent the Bill being carried out, short of disturbing the public tranquillity."²⁴ And "John Toronto" held that if you want to convert religious sects into factions, you had better follow a course of presecution (sic), and those religious sects which have before "been anxious to live upon terms of cordiality with all christians, will in future take another course which will not be either to the interests of Lower Canada, or to its great Church endowments."

Now, although this distribution of Church property in Upper Canada might suit the people of Upper Canada, it did not those of Lower Canada. He (Mr. Rhodes) would then ask the people of this part of Lower Canada, whether they were going to submit to such a cursed bill as was passing through that House, through the assistance of the Roman Catholic community²⁵. If this bill were carried, the majority of the Protestant population would be driven to take up a position of hostility to the Roman Catholic Church property. When that time came Megantic would have to seek some other representative, as he should not be prepared to go so far as others would be driven. He called upon the Eastern Townships to say whether they would submit to this spoliation. If the Seigniories were entitled to any benefit in these Reserves they were entitled equally to share those of Upper with those of Lower Canada.²⁶ Did the Roman Catholics suppose that they would gain anything by assisting in this act of spoliation? Did they suppose they would gain a heavenly crown by an action like that?²⁷ (hear, hear,) When the present Eastern War is raging; nuns are being turned out of their establishments in Spain; and when the Know-Nothing organization was throughout the United States, howling around the Catholic Church, was it, he would ask, a time for Roman Catholics to admit such principles as those in the bill before the House. (hear, hear!) A time, however, would come when these men of expediency would be hurled from their seats (hear, hear!)²⁸ and men of principle raised to a different position from what they held on this occasion.²⁹ Even if the vote that he intended to give upon this question were to have the effect of breaking up the present ministry, he still would have the consolatory reflection that he had done his duty to his God and his country.³⁰

MR. COM. CR. LANDS MORIN [spoke] (in French)³¹. [Il] ne peut pas être détourné de ce qu'il croit être juste par les menaces qu'on profère contre son église³². While he would be the last to sanction any acts of spoliation, he was still in favor of the secularization of the Clergy Reserves.³³ Il démontre que les biens catholiques du Bas-Canada se trouvent sur un pied bien différent de celui où se trouvent les Réserves du Haut-Canada.³⁴ He then went on to reply to some remarks of the last hon. member, contending that justice was

done to Upper and Lower Canada, by the proposed distribution of the Reserves, in all the circumstances of the case.³⁵

(267)

Mr. Rhodes moved, seconded by Mr. Bellingham, and the Question being put, That it be an Instruction to the said Committee, to amend the Bill by limiting the 5th Clause to Upper Canada only, and by inserting the following Clause: "The amount of the Municipality Fund in and for Lower Canada remaining unexpended and unappropriated, under the foregoing provisions of this Act on the thirty-first day of December in each year, shall, by the Receiver General, be appropriated equally among the several Protestant Sects or Denominations for General Education or Religious Instruction, in proportion to the number of their Members, respectively, according to the then last Census, made either under the Act to provide more effectually for taking a periodical Census, or any other Act under which a Census may be legally taken in Lower Canada, or the Municipalities thereof" after the said 5th Clause; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Bowes, Cameron, Casault, Gamble, Larwill, Masson, Murney, Poulin, Powell, Rhodes, Robinson, and Shaw.--(13.)

(268)

NAYS.

Messieurs Aikins, Biggar, Blanchet, Bourassa, Brodeur, Brown, Bureau, Cayley, Chabot, Chapais, Clarke, Cook, Daly, Charles Daoust, Jean B. Daoust, Darche, DeLong, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Fergusson, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Guévrement, Holton, Huot, Jackson, Labelle, Laberge, Langton, Laporte, LeBoutillier, Lumsden, Macbeth, Roderich McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Marchildon, Matheson, Mattice, Meagher, Merritt, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Pouliot, Prévost, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Wilson, and Young.--(79.)

So it passed in the Negative.

MR. CAMERON said.--At the beginning of the session I had an opportunity of expressing my sentiments on the subject of the secularization of the Clergy Reserves, and on that occasion I went at considerable length into the circumstances connected with the Reserves and their history from the time of the Constitutional Act of 1791 down to the present hour. It is now my intention, the second reading of the Bill having been carried by a very large majority and the principle of secularization having been thereby confirmed, to move such instructions to the Committee as will recognize some right and some principle on the part of the Legislature with regard to those Churches whose patrimony we are now about to take away. The first of those instructions is that certain words in this Bill shall be struck out, words which I can hardly understand how the members of the Administration, whether Protestants or Roman Catholics, could ever have allowed to be introduced into it. If words were introduced to shew that there should be no dominant Church in this country, one could understand it, because such words have been introduced into other Acts of the Legislature, but I cannot understand the introduction of the words that "it is desirable to remove all semblance of connection between Church and State," which seem to deprive the country as it were of its religious character and to proclaim aloud to the people that there is no necessity whatever

for that sort of Christian education in the land and that recognition of Christian rites which it is the duty of a Christian Legislature to give. I move therefore that those words be struck out, and I cannot help thinking that there must be a very large number of gentlemen from Lower Canada who feel along with me on that subject. Only a night or two ago we had a debate in reference to their holidays, in the course of which those gentlemen said there should be no interference with those days which they considered holy and which the State had so declared and ordered to be kept. There must be many who, like myself, cannot understand why the same men should recognize the principle in the one Bill and repudiate it in the other, why it should be right for the State to declare to-day that such a day should be kept holy, and to say the next that there is no connection between the Church and the State. Passing from that expression, the other resolutions embody a principle on which I desire to test this House. We are all aware that the constitutional Act of 1791 giving these Reserves to the support and maintenance of a Protestant Clergy, gave to the Legislature of Canada under certain restrictions the power to vary or repeal the provisions of that Statute. We are aware also that subsequently³⁶ the 7th and 8th Geo. 4th, chap. 78,³⁷ was passed in England in the reign of George IV., in which provision was made for the sale of 600,000 of the acres of those Reserves, and in that Statute just as in the Statute passed in 1791, is the purpose for which those Reserves were set apart most carefully and religiously maintained. An[d] again in the Act 3 & 4 Victoria cap. 78, the Act under which the Reserves have been latterly administered, we find precisely the same object kept in view³⁸ with regard to the churches entitled to the funds.³⁹ Now, in connection with my second resolution, I maintain this, and I am confident that neither of my learned friends, the principal law officers of the Crown for the Eastern and Western sections of the Province, will be able to gainsay it, that the appropriation of the Act 7 & 8 George IV, cap. 62, is not affected by the Act of 1853, which refers only to the Act 3 & 4 Victoria cap. 78, and does not interfere in any way with the provisions of the previous Act. My resolution, therefore, provides that the monies accruing from the lands sold under that Act shall be distributed as heretofore, two-thirds to the Church of England, and one-third to the Church of Scotland. The third resolution is to the same effect in reference to the lands sold under the Act 3 & 4 Victoria cap. 78, where the proceeds of those lands have been already invested and appropriated for the support of the Clergy, and a change from which appropriation would be in every sense of the word a wrong which I think this Legislature ought not to inflict. Therefore the position which I assume in reference to those two matters is this, that the proceeds which have been invested of the 600,000 acres sold under the Act of George IV should continue to be distributed in the manner they have been distributed heretofore, and that those sold under the Act of 3 & 4 Victoria shall also be placed in precisely the same position, leaving the Government to deal with all those instalments, rents, &c., which have not been paid, and with the million of acres still unsold, and which in my judgment would be more than sufficient either to divide among the Municipalities, or to devote to the purposes of general education, without taking from those Churches and religious bodies a small pittance of that, the whole of which originally belonged to them. Having quoted from the Acts referred to, with the view of shewing that the Canadian Legislature had no right to interfere with the proceeds of the lands sold and appropriated, by the Act of George the Fourth (sic), Mr. Cameron proceeded. We are not here demanding for the Church of England or the Church of Scotland something to be given or granted to them now for the first time. We are not here to speak of the policy of the State setting apart

a certain fund for the support of religion, although if this were the time to speak on that subject I would be prepared to uphold my own views in favour of such an appropriation. But we are here to ask the Legislature not to take away that which was given to us for a purpose holy in its character and righteous in its aim, and our right to which no one should dispute. We are here to meet the arguments of men who tell us, like the Hon. Commissioner of Crown Lands-- "had you your lands patented to you, as in the case of the Rectories, had you held parchments for them, we would never have touched your rights, we would never have interfered with your privileges." We say that we are in the same position, since the Statute did not allow them to touch the appropriation of anything but the lands, and that the monies already invested must be kept sacred. And when those gentlemen tell us that it is a part of their religious faith that that which has been appropriated and set apart for religious purposes shall not be touched by the secularizer, we ask them to remember that these lands are sold, that these proceeds are invested and that the British Parliament has said that they shall be reserved for the purposes for which they were originally appropriated. And we ask them, as they value their own faith, their own rights and their own Church, not to deal with us in a different spirit from that in which they would deal with themselves, but to deal with us in the same way as if it were a question in regard to some of their own ecclesiastical rights and dues. The very same Statute which confers upon us our rights confers upon them their rights, and if they say that if we had them patented they would not touch them, we reply that by the faith of an Act of Parliament, the proceeds that have been derived from those lands have been sacredly appropriated to the maintenance of religious faith and worship, and we call upon them by all that is and by all that is just, by all that is dear to them in their own faith and their own religion, not to interfere with us. We have a right to ask for this, because, though it may be the will of some men that there should be no provision made for the religious instruction of the people, it is not the will of all. If it be the will of some men that the proceeds of those lands should go for general municipal purposes, for roads or bridges or schools, it is the will of other men that they should be devoted to the maintenance of religious faith and the worship of God. And surely those men who form a very large portion of the community have a right to say--If you take away from us all the lands which remain unsold, if you receive all the monies which remain uninvested, grant to us at least the monies which have been invested, grant to us at least that which has been set apart for the purposes of religion, grant to us at least that which we have a right to demand and ask for, that which has been made sacred, and which you cannot rightfully divert to any other purpose. There are some who tell us that it would be an advantage to the Church of England to have these monies taken from her. They conceive that they know our wants better than we know them ourselves. But we do not feel that we would be better off, if those monies were to be taken away. We would like to know how religious instruction would be provided for the poor fishermen in the Magdalen Islands and those in Gaspé. We would like to know what clergymen would be found at the Quarantine Station, where we have seen hundreds and thousands of men, women and children cut down, and where no denomination of christians has sent ministers except the Roman Catholics and the Church of England. Go through the length and breadth of this diocese in which we stand, and where, I ask, would we find these corrupt clergy whom an hon. member had the audacity to get up and speak of the other night? Where can you put your finger on a clergyman fattening and weltering in corruption on a paltry pittance of £175 a year. Why, sir, there is more corruption

in one single day's existence of that Government than in the existence of all those clergymen, more, ten thousand times more. (Hear, hear, and other!) It is these God-fearing men, men who are struggling with circumstances of adversity, it is they who are called corrupt--men who have not even a carpet in their houses, which in this very diocese are not a bit better than those of many of the poorest class of farmers. It is from these men, these self-denying, God-fearing men that you would take away this small pittance. Go through the upper section of the Province and you will find the same thing. We are told that it is in our large cities that the recipients of the Clergy Reserves congregate and receive large salaries. But what is the largest of them? Only £175. And it is not in the large cities that they are chiefly to be found, for there are those of us in our large cities who would support our clergymen according to the means that God has blessed us with, and would allow the whole of the funds to go to support the clergymen who are ministering to the poor people in the back woods.⁴⁰ The Church of England would hold that their Clergy were entitled to every consideration from the hands of the Legislature, and from the hands of the people of this country⁴¹. When you take away this pittance from those clergymen, you will close the door of many a church, you will put an end to many an hour of public worship, you will destroy the means at the disposal of very many of having those rites administered to them, which they feel that they ought to enjoy, and the effect of your legislation will be to bring up the people in a state of irreligion and infidelity. You cannot depend on your boasted voluntary system. For what has that system done for the countries in which it has full sway already? What are the statements which the voluntaries themselves make? In one portion of the United States, and that not a very large portion either, we find, according to the report of the American Tract Society, a body of voluntaries, supporting voluntaryism, that there are 80,030 families who habitually neglect attendance at the sanctuary where religious truth is preached,⁴² and this, of course, did not include the tens of thousands of families who only hear the Gospel preached at long intervals. The fact that four hundred thousand souls have been found in one portion of America, who habitually absent themselves from all places of prayer, is a striking instance of entire religious destitution in the community. There was the report of the American Tract Society not long since published, [which was] made [of] those discoveries. The reports published of every State in the Union, show, that in some towns where there are four hundred famil[i]es, there is not a single church; and there are six towns in which there is only one church, where service is performed once a month. That was the effect of voluntaryism. And then, it also appeared that in some parts of the United States, there were found 55,000 families without a Bible in their possession.⁴³ Is there not something heartrending in this statement, something sufficient to arrest the attention of Legislators when there is a proposal before them to sweep away the provision for sending persons to the back country to do God's work in the calling to which He Himself has devoted them? And in looking further at the experience of the United States, to observe the practical effects of the carrying out of voluntaryism we find a vast distinction between those dioceses of the United States in which provision was originally made for the maintenance of religious faith and worship by the munificence of the kings of England, and those in which no such provision exists. Look at the diocese of the state of New York, and comparing it with any other diocese in the union, observe whether there is not more attention paid to religion, and more churches and houses of religious worship in that State than in any other. And what is the reason of the difference? Simply, because in early

times, the munificence of the kings of England appropriated lands for religious uses in that State, which have remained so appropriated to this hour, lands which in all the republican struggles that took place, and in all the straits which have occurred since, have remained untouched to this moment. The Trinity Corporation of New York is the most largely endowed Corporation in the world. The State Legislature tried to interfere with it, but the Supreme Court and the Constitution of the United States were above the Legislature, and it would be well for us if there was a Supreme Court and Constitution above us.⁴⁴ (Hear, hear.)⁴⁵ It would be well for us when we speak about the inviolability of contracts, when we talk about mere matters between man and man, mere matters of civil relations, and when we will not allow them to be touched, when we are so careful that they shall not be affected by ex post facto laws--it would be well for us if we endeavoured to keep equally inviolate the contracts between man and his Maker. It would be well for us if there was a power above the Legislature, such as that which exists in the United States, to prevent us from annulling such contracts. All that the New York State Legislature has ever been able to do has been to declare that the income of the Trinity Corporation should be annually expended, so that they should not invest more money in lands, but should expend the whole of it for religious purposes. And thus you find⁴⁶ that that Corporation has been the means of aiding and assisting large numbers of the people in that State in the erection of places of religious worship.⁴⁷ In Vermont, also, the right of the church to enjoy the property which belonged to her at the Revolution is still maintained inviolate. There are other States of the Union in which precisely the same thing has been done, but the history of which is like a thrice told tale. It has been so often before the Legislature and before the country, that it would be almost vexing the ear to go on to give an account of it. But in all of those States the principle has been respected, and those lands guaranteed to religious uses by the Constitution of the country have never been taken away. Our Constitution, guaranteed to us by the appropriation of those lands, support for our religious faith and worship and shall that now be taken away, even those proceeds of the lands sold, which have been set apart for religious uses, those proceeds to which I say the church is as much entitled as she is to the property which has been patented to her, and which will receive the respect of gentlemen on the other side of the House. They are set apart for the same sacred uses, and the hand of the Legislature ought not to touch them, otherwise the arguments which those gentlemen fail to apply to us now, we will fail to apply to them on some future day. I remember in 1850, when this question was under the discussion of the Legislature in Upper Canada, and when I warned gentlemen from Lower Canada of the effect on their own institutions of what was proposed to be done in regard to ours. I remember being met with a shout of derision, as if such a thing were impossible. But take up the Upper Canada papers now, take up the papers which are the organs of some of my friends near me, and read what they say, and recollect what has fallen from the members of the House during the present session. Do hon. members from Lower Canada believe that the parchment on which a treaty is written is one more value than the parchment on which a patent is written? Or do they think they can apply to France, as an hon. member suggested the other night, and ask the Emperor Napoleon to demand of England that that treaty shall not be interfered with? We all know that they can do no such thing. We all know that if this Legislature were to determine to sweep away the Roman Catholic endowments, there is no power on earth that could prevent it. Would to God that the Queen would prevent what we are now doing, but the time has come when we are told that Colonial Responsibility is to be the rule, and when the Imperial

Parliament has given us power to do as we please, not believing the men in a Christian age and a Christian country could ever think of doing away with all provision for religion. They did not trust us altogether, however, for they preserved the rights of the incumbents, and fortunate it is for the incumbents that they were so preserved; for otherwise they would have been swept away in the common ruin. There are some of the members of this House who would at this moment sweep away those incumbents if they had the power. But if the Legislature determined to sweep away church property in Lower Canada, we could no more appeal to the Queen to prevent it, than we can in the present case. For if the voice of the people of this land be lifted up, it must be carried out, and for the expression of this voice I think we will not have long to wait, after this Act has been passed. Those men who have that feeling in their hearts now, will give expression to it ten times mere (*sic*) strongly then ever, so soon as this Act is passed. Wait until this measure is consummated, wait until this thing is done, and then that cloud which is no bigger than a man's hand, that cloud which is so small now, in the far off heavens that the eye can hardly discern it, will acquire force and length and breadth, and spread over the whole land with the rapidity of one of those storms which we hear of in the Southern Seas, and all will be swept away. Then they may look for us in vain.⁴⁸ Then the present opponents of the Church of England may look forward, and recollect that there once were strong bulwarks of that church in the shape of endowments, which they have destroyed,—a strong rock, which would have remained erect as ever, but which they had undermined and laid prostrate.⁴⁹ And then the furious storm which has burst upon us and with their assistance swept us away, will pass over them, so that their place shall be known no more forever. Desolation, destruction, and death perhaps may come, as the final result of what they are now consummating. I hope that I am a false prophet, but the murmurings of the storm are already heard afar off, and one cannot help feeling that it will burst upon us in our own day and our own time. I would hope that there are gentlemen from Lower Canada who feel that they can vote with me. I would have liked that the honorable members of the Government would have had the boldness and manliness to stand forward and adopt the principle that the monies already appropriated and invested shall not be touched. It is a something which contains principle in it. It is a something which everybody can understand. It is a something which is based upon right; and I believe, if those honorable gentlemen would only give the signal, when these resolutions are put, that they would be carried. I believe that, did not many a man fear that, if these resolutions were carried, it would have the effect of throwing out the Government; they would receive the support of many gentlemen from Lower Canada whose religious faith is different from mine. I appeal to the Government whether it would not be the right and straightforward course to put the matter on a footing like this. It was the boast of the Emperor of Rome that he found the city of brick and left it of marble. It will be our boast that we found a land with a munificent provision for religious worship, the poor with the Gospel preached to them, and a people religious, contented, and happy, and that we left a land bereft of its religious endowments, the voice of glad tidings silent in its Churches, and the people mourning and desolate, because its rulers had proclaimed that they had no longer a Christian character, in repudiating even the semblance of a connection with the Church.⁵⁰ He moved the following amendment:

"That it be an Instruction to the said Committee to leave out the words 'all semblance of connection between Church and State' in the third Clause of the Bill.

"To provide for the continued appropriation, for the benefit of the Churches of England and Scotland, of the monies arising from the sale of the Clergy Reserve lands, sold under the authority of the Statute 7 and 8 Geo IV. cap. 62, in the same proportions, as they have been heretofore enjoyed by, and appropriated to, those churches, viz: two-thirds to the Church of England, and one-third to the Church of Scotland.

"To provide also, in accordance with the proportions secured by 3 and 4 Vic. cap. 78, for the continued enjoyment of the said churches, and all other denominations of christians desirous of receiving the same, for the purposes of public worship and religious instruction, of the monies that have arisen and been appropriated to those churches, and for religious purposes, from the sale of the Clergy Reserve lands, under the authority of the last mentioned Statute.

"To provide also for the absolute payment to those churches and religious bodies, of the principal monies so appropriated from the sales under the said Acts, so that the Executive Government shall cease to have any control over those funds, which shall be vested absolutely in those churches and bodies, charged with the support of their clergy, in the same manner as is now provided by law."⁵¹

MR. AT. GEN. J.A. MACDONALD (Kingston) said--The honorable gentleman who has just spoken, widely though his views differ from those of the Government on this subject, has discussed it calmly, and while I regret that on this occasion and on this subject he should be found on a different side from those with whom he has formerly acted, I think he has done credit to himself in the manner in which he has laid his views before the House, and that in defining his own position, he has defined it ably and well. But it appears to me that the honorable gentleman is defeating his own purpose. It is well known that that hon. gentleman feels that the Church of which he is a member, and other Churches which are in a like position, are attacked, are injured by the whole measure emanating from the Government. He feels that, and he speaks under the influence of that feeling, but while I respect that feeling not only in him but in others who take a similar view of the subject, I sincerely believe that he is not doing his Church, or his friends, or his principles a service by the course which he takes. I believe, from my experience in this country, from my recollection of the history of this whole question, that the course which has all along been adopted by the anti-secularizers, if I may use the expression, by the Church of England in Canada, has been seriously detrimental to themselves, and has been the cause of all the excitement and all the agitation which have so long disturbed the country. (Hear, hear.) There is no maxim which experience teaches more clearly than this, that you must yield to the times. Resistance may be protracted until it produces revolution. Resistance was protracted in this country until it produced rebellion. (Hear, hear.) Do we not hear the honorable member for Haldimand get up in his place and state day after day, and in debate after debate--ever since his return to this country have we not heard him allege that the cause of the unhappy disturbances of 1837 was principally dissatisfaction with the then arrangement of this very Clergy Reserve question?⁵²

Hear, hear, from MR. MACKENZIE.⁵³

MR. AT. GEN. J.A. MACDONALD.--Do we not know that all who acted with that honourable gentleman had the same feeling? My honorable friend from Toronto (Mr. Cameron.) talked about finding the people religious, contented and happy, leaving them bereft of their religious consolations and miserable. But on looking back, is it really the case that we find them contented and happy? I

view this subject from the same point of view as the honorable gentleman. I view the whole question of right from the same point of view with that honorable gentleman. I have never disguised my opinion on that subject, but still I cannot hide from myself the conviction that this measure did not find the people contented and happy, but that the question from the time it was first agitated until now has been a source of trouble and contention, setting man against man, neighbour against neighbour, Church against Church. Has there not been blood-shed in Upper Canada?--have we not seen the most disgraceful, the most disastrous scenes enacted in Upper Canada, in consequence of the agitation of this question? We thought in 1840 that it was settled forever. These hopes were shared by such men as the honorable Robert Baldwin and his party, but those hopes were disappointed, and the agitation re-opened. Mr. Baldwin was not responsible for the re-agitation of the question. It was re-opened from causes far beyond his control, and now we meet the subject--I mean the Conservative members of the present administration--we approach the subject from this point of view, that it is a matter of necessity, that no matter what may be the right or the wrong of the question, the people have determined it, the people will have it, and the people must have it.⁵⁴ (Hear, hear.)⁵⁵ We might as well attempt to stop the swellings of the tide, as to stay the deliberately expressed opinion of Upper Canada on this question. I do not disguise that I feel the taunts which have been thrown upon us for the course we have taken. It is one of the penalties of the course we took that we should have those taunts to endure. We will receive the taunts of our enemies and quondam friends, and kiss the rod, conscious of the purity of our motives. We are willing to abide the consequences, and though our course may make some friends cold and give enemies an opportunity of attacking us, we believe that in after days when this question has through our means been settled, we will receive the thanks of all parties for having been the means, no matter what our alleged or supposed motives may be, of laying this demon which has so long disturbed this country⁵⁶ [and] so retarded the progress of this Province. (Hear, hear.)⁵⁷ I believe it is a great mistake in politics and in private life to resist when resistance is hopeless. I believe there may be an affected heroism and bravado in sinking with the ship, but no man can be charged with cowardice, if, when he finds the ship sinking, he betakes himself to the boat. And I believe that, in taking the course we did, we are doing good service even to the Churches which are affected by the measure, because the measure must come, the measure will come, the measure cannot be delayed, and I believe we are actually doing service by settling the question while we can protest any interest whatever. Do we not even read at this moment in the extreme papers of a renewed agitation even against this measure? Do we not see that a very influential paper in Upper Canada has stated that, instead of these incumbents having any right to be protected, they have robbed the people of Canada of upwards of a million, and that the Churches which have received that money ought to return it?--And so sure as I speak, so sure it will be that, if this question is protracted for five years more, not only would the Clergy Reserves be secularized, but there would be a loud call from the extreme and fanatical party which the honorable member for Lambton represents, (Hear, hear.) there would be such a pressure from that party as even that hon. member with all his strength of will would not be able to restrain, and the incumbents would be called upon to give up everything in the world, and there would be a general confiscation of Church and Clergy property. I said that resistance to an inevitable necessity is no virtue. If the necessity is obvious, if it is clear that a measure must become law, then resistance ceases to be a merit and becomes a mere factious obstruction. We all remember

the course taken by the Duke of Wellington and Sir Robert Peel on the Catholic Emancipation Bill. It has been said--had you changed your opinions conscientiously, had you really become secularizers, it would be all well enough; but you still avow that your former opinions, you still avow that you would avoid the consequences if you could, and yet for the sake of office, you have agreed to secularize. Those arguments were used in exactly the same way against the Imperial government on the occasion to which I have referred.⁵⁸ The Duke of Wellington in the House of Commons at the time declared, that he would not change his determination, and it was not until he saw bloodshed in Ireland, Ribbon Lodges in every village, and Whiteboys in every county, that the Duke manfully said⁵⁹--I have not changed my opinion at all, but we must have Emancipation in Ireland, or civil war.⁶⁰ The course which the Administration had now taken was from a similar conviction, that the people will have the Clergy Reserves secularized. (Hear, hear.) The Duke of Wellington was subject to the same taunts precisely, and insults, which the present Administration had had cast upon them. The Duke lived through them, and he trusted that the present Administration would, and that they would survive the obloquy, (hear, hear,) and at a future time they would find that they had taken the right course. He would ask hon. members to look to the record of the past. Had Charles the First yielded to the times when the popular will was strong and irresistible, his head would not have rolled on the scaffold, neither would Archbishop Laud--an ecclesiastical dignitary who has his prototype in Canada, (laughter, and hear,)--have met the same fate, had he not resisted to the last, "hoping against hope,"; and if in France at the time of the commencement of the French Revolution, when an attempt was made to make the Church property contribute to the State,--the authorities had not resisted the first attempt to accomplish that object--that property would not have been confiscated, and the revolution not brought about. In later times still, had the Church of England in Upper Canada not resisted the claim of the Church of Scotland when this question was first raised in 1824, it would have been settled long ago; but through continual resistance the question had been left open to give rise to contest and quarrelling, and the result was now secularization. The Administration were happy to find that they had the assistance of a majority of the House, and they hoped to put an end to the question now and forever. Their scheme might not be the best, but it was a scheme which would settle the question forever, although other causes of dissension might arise for future demagogues to ride upon, and to provide a hobby horse for them to make use of. The Administration would invite the assistance of the members of that House, and if in some particulars this measure did not meet their views, there must be a compromise. All great questions of this description must be met with liberal views. After this bill became law, he was glad to feel that there would be no longer dissatisfaction and ill-feeling reigning in the breasts of all parties, and they would feel that they had no cause for quarrelling with their next neighbour, but all persons would be able to meet in social communion. (Hear, hear.)⁶¹ The first resolution of the hon. member for Toronto attacks the expression about the semblance of connection between Church and State. I have no hesitation in stating my own opinion, that in a country where the majority of the people are of one religion, and that a Christian religion, the State should acknowledge itself a Christian State, and make provision for the maintenance of religion. In England I believe that the connection between Church and State has been beneficial, but as certainly it has been injurious in Ireland. And I believe that in a country like this, it is of the greatest consequence to destroy the very semblance of connection between Church and State, for I believe it is nothing more than a semblance. In our country the people belong to so many various sects, and the

balance in favor of any one Church is so uncertain, that it would be only rousing and continuing feelings of jealousy and dissention similar to those which exist in Ireland, to keep up any semblance of such connection.--The hon. member for Toronto has spoken with his usual ability and with his usual legal ingenuity as to the effect of the Imperial Act of 1853, and he endeavours to establish that by the Act of 7 and 8 George IV. and the Act of 3 and 4 Victoria there has been an appropriation of a certain portion of the Clergy Reserves for the two Churches of England and Scotland, and as those Reserves or a large portion of them have been sold and invested, he argues that the proceeds have become the final property of those Churches. There is a great deal of ingenuity in this argument. I see it is pressed with equal ingenuity in a letter addressed to the hon. Commissioner of Crown Lands by the Bishop of Toronto, and that secularization, if secularization there must be, can only affect unsold property, and cannot affect those proceeds of lands sold, which have already been invested. Without discussing the mere law of the question--and I dare say my hon. friend took a strictly legal view of the subject, avoiding the open view in which this subject should be approached--I would say that one thing is clear that if the Imperial Legislature meant that, they were practising a delusion, a mockery, and a snare on the people of Canada. (Hear, hear.) If they meant that the proceeds of the sale of all the Clergy Reserve Lands sold up to 1853, three-fourths of the value of the whole, for it is the most valuable lands that have been sold, belonged inalienably to those Churches and that all we have been disputing is about a mere fraction of the whole, a million of acres worth perhaps as many dollars, then I say they were actually practising an imposition on the people of Canada. (Hear, hear.) Every statesman in England as well as here knew that the whole Clergy Reserve fund was the subject of controversy, and the Imperial Act was passed for the purpose of allowing us to legislate upon it.--What would be the sense of the clause that the Incumbents were to be indemnified, but for this. It is evident that the present fund is a capital sufficient to satisfy the demands of those men to the last farthing, and if they were to receive that it was idle to talk of indemnifying them. And the very language of the statute itself does not support my hon. friend in his view of the case.--If that statute does not give this Legislature the power of legislating on the whole fund, whether vestable (*sic*) or invested, then I must say that I do not understand what words in the English language mean.⁶² If the ingenuity passed (*sic*) by the Hon. member for Toronto (Mr. Cameron) had been directed to the framing of a clause in the Act which would give this legislature unconditional power in legislating upon the question he would have so framed it. He read the clause in support of his argument.--⁶³ The hon. gentleman has attempted to draw an analogy between the Trinity Corporation of New York and the Clergy Reserves question. I cannot see any analogy between the two cases, for the Act of 1791 merely reserves those lands for future appropriation, and creates no vested right in them in the Protestant Clergy or any body whatever.⁶⁴ There was no specific grant--(hear, hear,)--it was a mere reserve, giving the Crown the power to use and invest those reserves for the particular purpose named, and that Act provided that the Legislature should have power to "alter, vary, or repeal."⁶⁵ On any other supposition, the Act of 1840 was as much an act of spoliation as the present bill. If there be sacrilege at all, the sacrilege was committed in 1840, and all the clergy, from the Bishop of Toronto down to the last Methodist clergyman who has drawn out of the fund, have been all guilty of sacrilege by receiving the stipends under the authority of an Act, which was the first act of sacrilege. (Hear, hear.) I think that even the hon. gentleman who has proposed those resolutions does not hope

to carry them. He knows that the majority of the people of Upper Canada are opposed to his views whether rightly or wrongly. It is quite clear that, if what the honorable gentleman wishes were carried out, Upper Canada would again be agitated as it has been for years past, and it is quite clear that, if the hon. gentleman wished to inflict upon Canada a curse, he could not inflict upon it a greater curse than the continued agitation of this question. I call upon the hon. gentleman and upon the Church whose interests he advocates, to yield. I call upon them to cease this agitation. They may smart under a sense of wrong, and may feel that they are deprived of rights, but no matter whether proceeding from the member for Lambton, or the member for Haldimand, or from this government, one thing is clear that the blow must fall, that secularization must take place. Why then resist against all hope? Why continue to agitate the public mind? Why not yield to inevitable necessity? If a person receives a wrong, there is always a consolation that it is a wrong without a desert. I believe that those Churches who will suffer from this Act will receive in some way a support, in some way a return for what they are giving up. Let them give it up in the same way as a man of a kindly feeling will sometimes yield a right to avoid a quarrel with his neighbor. Let the Churches say--this is ours, but we give it up for the sake of peace, we give it up for the sake of settling those quarrels for ever, we give it up in the name of charity, and that it may not be said that we are the disturbers of the public peace. This may be strong language, but I use it in no offensive sense. They are not disturbers of the public peace in asserting their own rights, but the effect of their demanding their rights is that the public peace is disturbed, and we ask them to yield and accept our measure. We introduce this measure as a measure of peace, peace at any sacrifice, and for peace in this question no price too great can be paid.⁶⁶

MR. ROBINSON was not surprised that the Attorney-General should wish to say all he could in favor of the bill; but he did not agree with what he had said. He did not agree with the remark of the hon. gentleman, that it was a generally admitted principle, that a statesman ought to yield to the times. The hon. Attorney-General, comparing small things with great, had compared the position of himself and his colleagues, with that of the Duke of Wellington; but he (Mr. R.) did not admit, that catholic emancipation had been the sole cause of the tranquilization of Ireland. The Church of England, the government might depend upon it, would not submit to what they considered an act of spoliation. He was sorry to hear his hon. friend say that the rebellion had been caused by resistance on this question in 1837.⁶⁷ [He] was exceedingly sorry to see the hon. gentleman appeal to no better authority than the hon. member for Haldimand.-- (Laughter.) The reason of that rebellion was other than that. He could not allow such a statement as that made by the Hon. Attorney General, to pass unnoticed. That, hon. gentleman's speech altogether had been a very unfortunate one, by his attributing the cause of the rebellion of 1837 to the agitation upon the Clergy Reserves question.⁶⁸ He (Mr. Robinson) maintained that not one word was said about the Clergy Reserves at that time.⁶⁹ A gallant knight at the head of the government, who turned out to put down that rebellion, he was sure, never heard of the Clergy Reserves.⁷⁰ If that was the real cause of it, why did the subject of the Clergy Reserves question remain quiet from 1840 to 1850?⁷¹ The causes assigned were the domination of the mother country, and the conduct of what was called the Family Compact, of which he (Mr. R.) acknowledged himself to have been a humble member.⁷² It was not true either, as had been asserted by the hon. member for Vercheres upon the second reading of this

bill, that the responsibility of the measure belonged to U.C., and not to Lower Canada; and the hon. member for Vercheres had said, that because there was a great majority in favour of the bill, that he would support it. He (Mr. R.) would like to ask that hon. gentleman whether he would like to be guided by that rule in questions arising which affected his church?⁷³ The hon. Attorney-General said that the responsibility of this measure belonged to Upper and not Lower Canada. That was a false test by which to settle great questions, for if it were generally acted upon, it would only be necessary to get up an agitation in order to get anything, no matter how unjust. The way to decide such questions, was to ask whether it was just. He believed the proposal of this bill was unjust, and therefore he must vote against it.⁷⁴ He was surprised at the inconsistency of the hon. member for Lambton on this question. He was always talking in his newspaper about the dangers to be apprehended from the Church of Rome, but was this the way to counteract the errors of that church, by having her in the possession (sic) of all her endowments, and taking from other churches, the means they had of opposing these errors? Another inconsistency in the ... course of that hon. member was, that he was willing that a reservation should be made in favour of the incumbents. He said there was no injury inflicted on bodies by taking away their endowments, and that it was only a misfortune to individual incumbents.⁷⁵ That hon. member had asked, in speaking of the reservations made in favour of the present incumbents, what harm would be done to these individuals.⁷⁶ If a State paid Clergy were such an evil as that hon. member asserted, why should he inflict that evil for perhaps another twenty years on any particular parish?⁷⁷ As to the allusion that was made to the Bishop of Toronto, he (Mr. R.) thought that the Bishop had acted right in upholding what he considered to be the just rights of his own church.⁷⁸ He (Mr. R.) concluded by an extract from one of Dr. Lillie's lectures on Canada, in favor, as he said, of his view of the matter.⁷⁹

MR. POST. GEN. SPENCE did not expect that after the strong expression of the opinion of this House upon the occasion of the second reading of the bill, that the House would have had to enter upon such a full discussion at this time upon the question. The hon. member for Toronto had appealed to the sympathies of the House in support of religion in Upper Canada. He had attempted, in fact, to make it appear, that if the appropriation from the Clergy Reserve Fund be withdrawn, as he (Mr. S.) hoped it would be, a dark mantle would cover this Province, and that we should be precipitated into irremediable evil⁸⁰, ignorance and irreligion.⁸¹ But the hon. member's opinion was not shared in by hon. members on his (Mr. S.'s) side of the House, but they thought just the reverse. Religion (sic) had not triumphed in the country,--the triumph of the cross had not been achieved through the support given to it by State property. He would rejoice when this question, so great in its nature, was settled, for which, he thought, that the time had arrived. The Attorney General (Mr. McDonald) had well defined his position, and had yielded with admirable grace to the pressure of the times in which he lived. So had the hon. and gallant Knight, the leader of the Administration, as also the hon. Inspector General. They had yielded to the pressure of public opinion. But he (Mr. S.) must confess that he would argue from a different point--while he recognized the pressure without, and desired to yield to public opinion, still he placed himself in forming his conclusion as to his subject, upon other grounds than those of voluntarism--the only principle which would support religion in this land. He (Mr. S.) differed from his colleagues, but he respected the position that they had taken, in coming to the aid of Canada, to settle the long vexed question. The expression of the Attorney General that evening would find a place in the heart of

every true voluntary in the country, and justice, in the course of time, would be rendered unto them for the sacrifices which they had made,--God forbid that they should have another rebellion. The time had arrived now when the long agitated question was to be settled. He (Mr. S.) did not think that if State support should be withdrawn, that the dark cloud alluded to by the hon. member for Toronto, would overshadow the land. He (Mr. S.) did not think either that the allusion made by that hon. gentleman to the State of New York was in point. The hon. member did not tell the House what the population of the State of New York was, or what grants were made from public lands in other States for religious purposes. That hon. member should have alluded to the State of Massachusetts, where Churches had been supported upon the voluntary principle. Had that hon. gentleman adverted to the Pilgrim Fathers, sneered at as they were by those persons who respected neither civil nor religious liberty, the hon. gentleman might, by their actions, have found a pleasing instance of voluntaryism; and, if he had drawn a distinction between the State of New York and that of Massachusetts (hear, hear), the hon. gentleman would have produced a more successful argument. If there was a portion of the Union more obnoxious to the charge of a want of morals, it would be the State of New York, in comparison with that of Massachusetts. It was a glorious thing to see such a State as the latter so filled with morality, religion, intellect, and intelligence. He (Mr. S.) did not think that it was in point to quote that of the State of New York. Was it not notorious that in that State, instead of their founding Churches for the religious training of the bulk of the population, that it was just the contrary. A much more prosperous state of society was to be found in Massachusetts, Connecticut, Vermont, and other States. But it did not follow that the darkness alluded to by the hon. member for Toronto was to overshadow this country. They had hope for the future. He (Mr. S.) did not wish to detract from the merits of the Church of England, but how much had she done for the moral destitution of the country? Much had been done by others, who had never drawn from the State purse; and our children would never estimate the affliction and misery of those who, regardless of the rugged path, the entangled wood, and the heat of summer, had by their unwearied efforts carried eternal light into the very shanties⁸² of the first settlers,⁸³ that once stood upon that spot where now the Bishop of Toronto resides [and]⁸⁴ where the Bishop, whose name had been so frequently mentioned in this discussion, and his clergy were both to go.⁸⁵ He could not bear to sit in that House and hear it asserted that the whole of the supply towards religious purposes in this country is made to depend upon the appropriations to be made from these Clergy Reserves. In Western Canada, it was well known, that a more religious community than there does not exist upon the face of the globe; but he did not say that disparagingly of Eastern Canada,--religion had not been made to depend there upon the support of the State, and voluntaries would not be sacred by the statement that if this support is withdrawn religion will die. The patriotism that pervades Western Canada as to religion would afford a flat denial to such a statement. But it would be a waste of time to enter at length into this question. The people too had made up their minds. With reference to this measure no one could for [the] moment say, in face of public opinion, that the settlement of this question should be any longer delayed. He would say that, upon principle as well as necessity, this question should be yielded to Upper Canada as a demand made upon Lower Canada, upon the voluntary principle, as well as the exigency of the times. The composition of the House of Assembly was proof positive that he was correct in this view. No Ministry could stand for one night that failed to recognise the correctness of this statement. (Hear, hear.) It was not because

the House had not had petitions poured in that the mind of Upper Canada was apathetic for it was perfectly decided upon the question, and he would not say that a rebellion would ensue, but a state of very bad feeling would be engendered if the rights of Upper Canada were not respected. (Hear, hear.) And Upper Canada should no longer be tampered with, and it was just that the present Ministry were securing to Upper Canada that which she has been so long contending for. (Hear, hear.) He (Mr. S.) trusted that the measure now before the House would be carried.⁸⁶ No ministry could stand a minute--certainly, not a day--unless it recognized the necessity of yielding to the demands of Upper Canada on this subject.⁸⁷ The public mind of Upper Canada was stretched to the last point of tension on this subject, and he maintained therefore that his friends in the Administration deserved the gratitude of Reformers and of all who were well wishers to their country, for having stepped into the breach at a critical period, and so accomplished for the country what the voluntaries of Lower Canada had long contended for, and were now about to receive.⁸⁸ The hon. member for Simcoe (Mr. Robinson) had said that the bishop of Toronto and⁸⁹ those who held views in common with him would not be satisfied with this Bill, but would still continue to agitate.⁹⁰ He (Mr. S.) could scarcely understand that the honorable member for Simcoe was serious in so stating.⁹¹ Such a state of things should be averted, and he hoped in view of those statements that the House would pass just such a Bill as would settle the question at once and for ever, and leave no possibility of it being agitated any more.⁹² (Hear, hear, from the Opposition.)⁹³

MR. POST. GEN. SPENCE [continued:] this House would pass such a bill as would enable the Government to fix the question of secularization of the Clergy Reserves once and for ever, so as to render useless any attempts of newspapers, or some honorable gentlemen agitating this long vexed question further. He (Mr. S.) hoped that the principle of commutation would be taken up by the Government, and that the claims of every person would be paid⁹⁴, so as to bring the matter more speedily to an end.⁹⁵ If the honorable members felt desirous to keep this question as a hobby horse for them to ride into power, he hoped that they would not find many supporters, and he trusted that peace and happiness would be preserved in our land. He was astonished, upon picking up a newspaper in Toronto a short time since, to find a proposition to continue this agitation, and to make attacks upon the stipends of the ministers of the Church of England which they are to receive. As far as he (Mr. S.) was concerned, he would never take part in these attacks, for he would let these Clergymen take the Holy Book in their hand, and go forth to the world with the impression upon their minds "that the laborer is worthy of his hire;" but as these stipends had been given to them, he (Mr. S.) respected their rights, and wished to see that they should be treated in a spirit of fair play. (Hear, hear.) But he (Mr. S.) was not desirous that the question should be any longer agitated, and that a portion of this Clergy Reserves fund should be kept up to provide a battery for the honorable member for Simcoe, and newspaper editors and others to aim at, but he wished the question to be settled forever, and he hoped that the bill before the House would be carried intact.⁹⁶ He had hoped the merits of the question would not again be brought under discussion after the second reading, but, as the hon. member for Toronto had gone into the merits of the question, he felt bound to state his views on the subject, as a member of the Government and as the representative of a liberal constituency of Upper Canada.⁹⁷ He was proud to be associated with gentlemen on that side of the House, who had joined together heartily and sensibly to secure to the country the settlement of this question; and he should give to them his support, and he hoped that before this

session came to a close there would be a law in existence in Canada providing for the entire secularization of the Clergy Reserves. (Hear, hear.)⁹⁸

MR. ROBINSON begged to correct a statement of the honorable gentleman. It was the honorable member for Lambton who had said, a few nights since, that he thought agitation in the country, would not cease even if this bill were passed. It was not he--(Mr. R.)⁹⁹

MR. LORANGER said rumours had been spread among the Roman Catholic community concerning this Bill of an extraordinary character, and if there were any foundation in them, he would be inclined to vote against this Bill; but, as he believed, that these Clergy Reserves might be secularized without putting property of the Roman Catholics in danger, he would vote for the Bill. (Hear, hear.) As a Catholic, attached to his faith, and as a member for L.C., he would vote for it, believing, that although the honorable member for Toronto reflected honor both upon the Bar of Canada and the House, of which he was a member; yet, although he was very eloquent, the views taken by the hon. member were incorrect. They put him in mind of beautiful clothes enveloping an ordinary looking person. (Laughter.) In fact the hon. member for Toronto had made a perfectly legal speech upon a Parliamentary question. He (Mr. L.) would not do the same, or go so far as to refer to what had taken place in the State of N.Y., but he would confine himself to Canada and the argumentation upon the Constitutional Acts of the Province. Now, he would boldly assert, that by no interpretation in the world could any proposition be derived from the 26th clause of the Act of 1791, that the Clergy Reserves belonged to any Protestant or other Clergy in this country. (Hear, hear.) A promise, subject to revocation, was not a binding promise, and the Statute did not do away with the right of the House legislating upon this measure as it thought fit.¹⁰⁰ (Il cite ici le (sic) 20e clause de l'acte.)¹⁰¹ The Imperial Parliament had no right to legislate upon this question in violation of the Constitutional Act of 1791, and it was an admitted principle in Upper and L.C., that no Imperial Statute can effect a Constitutional Act without an express violation of the Constitution. The Imperial Parliament had the right to repeal the Constitution of Canada. Now, were not those Reserves as much the property of the Crown as any other property in the Townships? A threat had been made in that House, that if the Catholics did not agree to secularize the Clergy Reserves in U.C., that their Catholic Endowments would be secularized in L.C. (Hear, hear.) He was afraid that those who spread that alarm were not aware what their Catholic Endowments in L.C. were. The most important Endowment was the Seminary of St. Sulpice, in Montreal¹⁰², and that endowment was written on as good parchment as any title to private property in the country, as any concession to any Seigneur in Canada. Was it not granted to the Seminary of St. Sulpice by the crown of France?¹⁰³

MR. CAUCHON.--No! It was granted by the Cent Associés.¹⁰⁴

MR. LORANGER.--Well, it was given by the crown of France to those who had the power of disposing of it, and the Cent Associés bestowed it upon the Seminary, the grant being of as valid a nature as a Seigniorial concession.¹⁰⁵ This Legislature could no more deprive the Roman Catholics of this property, than it could him (Mr. L.) of his. When Seigniors were to be indemnified for their doubtful rights, was it to be supposed that other individuals would be spoliated of their rights? (Hear, hear.) Their Catholic Endowments enjoyed the same advantages as other private property.¹⁰⁶ The tithes also were in the same favorable position as the other endowments, being recognized by the civil law of the

land, the Quebec Act of 1774 having restored the country to its former enjoyment of the Civil law of France. There was not a Legislature in the world which could attempt to violate rights so recognized.¹⁰⁷ Catholics had no fear that their rights would be done away with by the Legislature. He could not, however, do otherwise than vote in favor of this Bill. It was a measure of public necessity.¹⁰⁸

MR. COM. CR. LANDS MORIN had previously stated why he was in favour of secularization of the Clergy Reserves. If the people of Lower Canada wanted him to advocate an unjust measure, he would not do it. It was not requisite in this country, that all religious societies should look to the States for maintenance. But he believed, that in a country where there was but one religion, that the State should provide for religious establishments, (hear! hear!)¹⁰⁹--not that religion should remain in dependence on the State, but that the State should liberally provide for the wants of religion.¹¹⁰ He did not look at it in the light that religion should be made subservient to the State.¹¹¹ But in a country like this, if it was proposed that the State should support some one religion, there would be the difficulty, which to select. Some would say the Roman Catholic religion because it was the oldest. The Right Rev. Dr. Strachan would say that it should be his religion, that the Catholic religion was nothing, and that his was the great religion which should be that of the State. Others would say that no religion at all should be supported by the State. In these circumstances he approved of the words in the Bill that there should be no longer any semblance of connection between Church and State, words, which explained by the context, simply meant that it was desirable to avoid even the semblance of the Clergy being pensioners of the State. But there were voluntaries who wanted to proscribe religion altogether.¹¹² They were so much afraid of legislating upon religion, that¹¹³ they would not allow the Legislature to legislate for any persons who had religious objects to pursue. They were so pious themselves that they would not give to others the way of having their religion maintained in the way they liked best. He was not a voluntary in that sense,¹¹⁴ and he thought that it was the duty of the Legislature to legislate upon all rights of the people;¹¹⁵ but he was a voluntary to this extent that he would not allow any such connection to exist between religion and the state, as existed for instance in Ireland.¹¹⁶ It would lead to evil consequences if every religion were to be connected with the State.¹¹⁷ He had no fears for the future, in regard to Catholic Endowments being affected by their legislation of the question of the Reserves. He thought that justice should always be done to others, and then justice would be done to them in return. He felt that the House would see a great difference between a matter that had been always open to contention, and had always been bungled by the pretensions of those who laid claim to it in various ways--a great difference between that and vested property. There was no such thing in Lower Canada as endowments of religion at the expense of the state. The tithes were not endowments given by the state, but were levied in accordance with the ancient laws of the country, and were only paid by those who were of the Catholic religion. The property of the charitable and educational institutions, which had been referred to in the discussion, was guaranteed by laws much higher than those they could pass here. He entertained, therefore, no fears whatever on the subject of the Catholic Endowments in Lower Canada.¹¹⁸ He thought that to legislate upon religion was a sin. He would vote for the bill.¹¹⁹

MR. GAMBLE commenced by controverting some of the statements of the hon. Mr. Morin¹²⁰. The hon. commissioner of Crown Lands had expressed himself favourable to continuing the endowments of the Ecclesiastical Corporations in Lower Canada,

but he had not alluded to the grand objection to those endowments, that they were all controlled by one head. That was what made them dangerous to the liberties of this country. He would like the hon. gentlemen (sic) to state whether he was prepared to carry out in regard to Lower Canada the principles he was now carrying out in regard to Upper Canada.¹²¹

MR. COM. CR. LANDS MORIN.--There is no occasion.¹²²

MR. GAMBLE said the hon. gentleman would find that the time would soon come when that occasion would arise, when the arguments which had been brought against the endowments of Upper Canada would be brought to bear against those of Lower Canada with a force that could not be resisted. When the endowments were swept away in Upper Canada, the hon. gentlemen need not lay the flattering unction to their souls that so wealthy an hierarchy like that of the Church of Rome would be allowed to exist in this country.¹²³ He had always thought that the affairs of the Roman Catholic Church were managed with great astuteness, especially by the Jesuits. (Hear, hear.) But in the course pursued by Catholic gentlemen in that House, was exhibited very little astuteness.¹²⁴ He was not at all surprised at the hon. member for Lambton or the hon. member for Haldimand getting up and proposing that all those Reserves should be devoted to secular uses, for it was perfectly consistent with the principles they avowed, but he was surprised at their being supported in that by hon. gentlemen from Lower Canada who had the endowments of their own church to defend.¹²⁵ Its support was inconsistent in those who had hitherto been conservatives.¹²⁶ The hon. member for Lambton said, in a previous discussion, that if he thought the secularization of those Reserves would be injurious to religion he would be the last man in the House to vote for it. He believed the hon. member was perfectly sincere when he made that declaration, but in making it he was strangely blind to the inconsistency of his conduct in maintaining on the one hand that mere secular education was a matter of too great importance to be entrusted to parents, but that the responsibility of imparting it should be assumed by the State, and on the other that religious instruction, which was a matter of infinitely greater importance as teaching the fear of God and inculcating the principles of sound morality, should be left either to be communicated by the parents or to be picked up by chance, if at all. He held that the very foundation of the voluntary system was laid in scepticism, although those who advocated it might not be aware of the principle from which it proceeded.¹²⁷ It was not proper to state, that the Ministers of the Church of England were behind other denominations in their exertions at the time of the settlement of this country.¹²⁸ In favor of the secularization of the reserves lying in Upper Canada it was said that public opinion demanded it; but what reason was there for the secularization of those in Lower Canada who were the ... majority there?¹²⁹ The hon. member for Lambton said that religion flourished most in those countries where it was left to be supported on the voluntary system, but he forgot to say where those countries were. He hoped he would enlighten the House on the subject, and tell them what churches they were which had been so successful. The facts mentioned by his hon. friend on his left (Mr. Cameron) proved the very reverse. The legal arguments of his hon. friend, he thought had not been answered. The hon. Attorney General had hardly glanced at them, and his whole speech seemed to be up-hill work, as if he were labouring against his own conviction.¹³⁰ He (Mr. G.) did not think the hon. Attorney General had answered the arguments of the honorable member for Toronto, with reference to what the honorable member had said on the principle of yielding, if his argument were good, he ought to have yielded years ago. For his (Mr. G.'s) part he should move an amendment to

refer the question to the people of the country for a direct vote in January next.¹³¹

MR. PRES. EX. COUN. MACNAB had not taken part in this debate; though it was one of the most important that would come before the House this session. He had abstained from speaking because the question was in abler hands than his; in the hands of an abler lawyer, his hon. friend the Attorney General.¹³² He (Sir Allan) concurred in his argument. He did not think that the hon. member opposite (Mr. Gamble) was correct in saying that his hon. friend, the Attorney General had not successfully answered the argument of the hon. member for Toronto. He (Sir Allan) believed the remarks of the Hon. member for Toronto might equally be applied to the passage of the bill of 1840, and his censures to those who voted for it. Appeals had often been made to the country on the Clergy Reserves question and he would appeal to that House whether the majorities of those who were in favor of maintaining the Reserves were growing larger or smaller. No doubt they were constantly growing smaller and that was a significant sign of the feeling of the country.¹³³ It was quite true that he (Sir Allan) had for many years opposed the Secularization of the Clergy Reserves. Year after year and Parliament after Parliament he had voted against it along with his hon. friends, the member for Simcoe, the member for Toronto, and others, but he put it to them whether their party had not always grown less instead of increasing.¹³⁴ The House had over and over again declared in favor of secularization; and he believed that it was perfectly well known by the British Parliament when¹³⁵ the Imperial Act of 1853 was passed.¹³⁶ When he (Sir Allan) heard that an act had been passed in England to give the Colony the power to legislate on this question, he entertained no doubt that the Reserves (*sic*) must be secularized, and he had looked upon that as a fact certain to arrive.¹³⁷ He had always said to his friends that he thought they might just as well permit the question to go, as offer any further opposition. He had pursued precisely the same course with regard to other great questions in this country. He believed he was almost the last public man in Upper Canada to assent to the Union, but when that Union was consummated he was ready to act under it, and was now as willing to maintain it, as any one could be. Again he was the last one to yield to Responsible Government, but when it was once admitted, he was ready to act under it as any member of this House. At the hustings in Hamilton, at the late general election, it was said to him that if he declared himself in favour of Secularization, he would be returned without opposition. He replied, no, but he would wait to see what was the unequivocal expression of the people's voice. He had waited for it, and he had obtained it. The vote of this House was 95 to 15 in favour of Secularization, and could any one say that a Government could act against the well understood wishes of the people, expressed as they had been so clearly in this matter?¹³⁸ Was he to go against that majority and join a handful of fifteen or sixteen members in this House for the mere sake of consistency?¹³⁹ Was he to be blamed for yielding to the wishes of the country, as expressed at the late election? Even if he were sitting alongside of hon. gentlemen opposite, he did not think that he would any longer offer opposition to the measure. He considered it necessary for the quiet and tranquillity of the country that the question should be settled, and by the Bill now before the House be thought that ample justice was done to all parties. He felt that they ought not to be reproached for the course they were now taking, and that the taunts which had proceeded from certain quarters were unjust. He made no secret of the principles on which along with his colleagues he accepted the Government of this country. It was perfectly understood that

the secularization of the Clergy Reserves was the question to be settled, and very little objection was made to it from any quarter. Feeling as he did that they were acting right, and knowing that they were supported by the voice of the people of this country, he might regret having to differ from his old friends, but he should feel that he was doing his duty, and should not repine, whatever might be the consequences.¹⁴⁰

MR. MACKENZIE.--If a man has a right to be proud of the position which perseverance in what he believes to be for the good of the country may place him, surely I may, on the present occasion, indulge in a little self-gratulation, when I see the Hon. member for South York (Mr. Gamble,) taking the extreme ground of declaring in true democratic style, in spite of his ancient conservatism, "Refer this question to all the people in their primary assemblies; the vote, t'other week, of 95 or 100 to 14 or 15 is not enough. I shall move its reference to the people." When I hear, too, the gallant knight from Hamilton, exclaim, "I have long opposed secularization, but the people will have it, and haven't we grown less and less year by year?"¹⁴¹ [He] congratulated the hon. and gallant Knight on the position he now occupied with regard to the measure he had so long opposed.¹⁴² Yes sir, he and his friends, have grown "small by degrees, and beautifully less," and now they follow in the wake of William L. Mackenzie, they keep alone behind him¹⁴³. [He] was surprised to see Sir Allan and his confrères in such a hurry to jump at carrying into effect the doctrines that he (Mr. M.) had alone advocated,¹⁴⁴ for thirty years¹⁴⁵, but which they had all their lives opposed.¹⁴⁶ Not content merely with acquiescing in it, so zealous was he on the subject, that he must himself take office, and do himself the work which of all others he said should not be done.¹⁴⁷ He (Mr. M.) thought they might have had the decency to wait till the thing was over, before they walked over the House; but no, they were in such a hurry, they could (sic) not stop¹⁴⁸, and the head of the new Administration says, "I was the last man to yield to responsible government, but when I did yield I accepted it in good faith," that after accepting (sic) it in '41 he started off to London in 1849, with the petition of the Upper Canada tories, that he might, if possible, trample on it and crush it. What a change it is to hear my repentant, penitent opponent for the city of Hamilton, exclaiming that "public opinion has been expressed largely, broadly, deeply," that he finds in this honorable Assembly 100 or more against 14 or 15, in favor of a measure which I had vainly advised him to aid me to accomplish twenty years before.

In old times I had to croak now and then about a possible revolt, the usual result of unbearable oppression in a distant land--and for this the gallant knight would rebuke me in true loyal style--but now his friend the Attorney General, west, rises up with my old pet secularization measure in his hand--with Doctor Rolph's prescription as his nostrum--and he exclaims, he almost threatens us, with "take this measure or we may have revolution!"

Really the Government is to be pitied. If we don't pass the bill they dread another rebellion--while¹⁴⁹ his (Mr. M's.) old friend,¹⁵⁰ Bishop Strachan, the head of their church, (now on trial about the dollars,)¹⁵¹ had taken the trouble to write a pamphlet, full of blood and thunder, and send it down to him.¹⁵² (Hear, hear.)¹⁵³ It was true that this question had led to the rebellion. He and others had declared they would rebel if this question was not settled, and, faith, they kept their word.--(Laughter.) He was extremely pleased with the moderate and rational opinions expressed by the hon. commissioner of Crown Lands. He quite agreed with him that it was desirable that the churches should be independent of the Crown. The hon. member for Lambton might introduce as many bills as he liked for abolishing tithes in Lower Canada, he (Mr. M.) would not vote

for them or interfere with the church property of the Lower Canadians. (Hear, hear.) He then went on with a jocose criticism on the recent pamphlet of the Anglican Bishop of Toronto, remarking that¹⁵⁴ in this pamphlet the Bishop compared the gallant Knight and those associated with him to the French conventionists, who used to hang, draw and quarter each other.¹⁵⁵ [He] has written ... that "One of the highest duties of Government is to diminish or remove, as far as possible, all grounds which might in any way, promote future collision or bloodshed; that the Government bill is the most atrocious specimen of oppressive legislation, that has appeared since the days of the French Convention.¹⁵⁶ Mighty complimentary these Church of England people were to each other!¹⁵⁷ Can the members of the United Church of England and Ireland be expected to submit CAMLY (sic) to this monstrous robbery.¹⁵⁸ But who were the robbers? Why foremost among them all, the great champion of Church and State, Sir Allan McNab, and behind him John A. Macdonald, whose name appeared on the Bill, and behind him that great pillar of the Church, the Solicitor--but no, he would not say a word against that polite and gentlemanly man, the Inspector General. These were the men that their Bishop denounced as robbers? If he talked so of his friends, he wondered what language the Bishop would use about a sinner like him. (Laughter.)¹⁵⁹

"Blood and thunder" from the State if we don't vote, aye; "Thunder and turf," if we don't vote no, from the head of the Church; who scolds the mild and gentle Crown Land Commissioner, thus:

"Your threats to destroy the Church property are incompatible with the rights that hold society together, and at variance with the favorite maxim of your party, 'to follow in all things the will of the multitude.' You have not one third of the population with you, and that the least independent, being in a great measure composed of party men, morally and religiously blind. Yet from noise and tumult, and violent assertion, this disreputable minority appears, to the timid and indolent, irresistible."

The Lord Bishop proclaims our major it (sic) of 100 to 15 on this measure, a "disreputable minority--not one third of the population." The gallant knight declares we are the people, and strongly opposed to his bishop, who hints that we are no better than a band of "disreputable" demagogues.¹⁶⁰ He also attacked the argument of Mr. Cameron, and read from Lord Durham's report to the effect that the reservation of the Clergy lands had produced the very greatest evils to the country.¹⁶¹ Church and State seem to split asunder; and altho', in the motion in your hand, the honorable and learned member for Toronto, declares his hostility to the phrase, "Even the semblance of connexion between Church and State," his friends who have taken office to finish the late government's work; left this side of the House to do what they say they hate to do; both the seats resigned by Messrs Malcolm Cameron, the member for Norfolk, and others; and now land to the skies the voluntary system of the Republic recorded as "the chief predisposing cause of the late (1837) insurrection," threatening and insulting the present head of the Government, pamphleteering, pocketing his £6000 pension from the very power he endeavors to undermine, and slandering the administration and all who support it.

He calls the bill, approved of by the Governor in Council, "a monstrous robbery," and proceeds thus:

"Is it not intended, by its silent and venomous operation, to undermine and destroy every Parish and Mission in this Diocese? and are not you (Mr. Morin) and your friends already gloating on the prospect of our Churches in ruins; and of their being closed and deserted one after another? That nothing may be wanting, to satiate your vindictive hatred to the Protestant Faith, you proceed in

your intolerance, to the utmost extent of the unhallowed power, recently conferred upon you by a credulous Government."

Bishop Strachan agitates for plunder; he has no faith in the rock Christ; HIS churches are to go to ruin and decay, if made to depend upon the people's offerings, like other churches; and his advocate here (Mr. Cameron), the manner of whose speech was as admirable as its matter was intolerant, openly urged or almost urged that annexation which, with loyalty on his lips, his Bishop has steadily helped onward, "minds' eye" fashion, as Mr. Gurnett would say, during many years. The learned member for Toronto reminds us, that one church was enriched in New York State while all others were frowned upon by a British King. Revolution followed. He tells us that the King made Trinity Church, New York, the richest corporation in the world, (tho' its members are comparatively few), and after blaming the Legislature there for trying to lessen its political influence, he assures us that the Supreme Court of the U.S. and the American Constitution, have prelated the corperators (sic) from the force of public sentiment.¹⁶² He hoped the measure would be made a final one; that the names of the parties to receive the stipends would be placed in the bill and not allow them to go to the executive to prefer all sorts of claims upon the fund.¹⁶³

MR. LARWILL said it was a hoax as great as the report of the taking of Sebastopol, to say that the majority of the people of Upper Canada were in favor of secularization of the Reserves.¹⁶⁴ The poll returns of the late election, moved for by the hon. member for Haldimand, proved, he considered, the very reverse.¹⁶⁵ He had been studying the election returns; and he found that in several cases there was no contest; in others there were several candidates, and the question was not passed upon. The member for Lambton would not say that he had been returned on this question; he had been put in by orange votes; but not upon this question. The hon. and gallant knight had said there were 95 members, of this house in favor of secularization. True; but how was that majority got? First the Lower Canadians were told that there had been an unequivocal expression of opinion in Upper Canada on the subject; they believed, and then they gave their votes to make that majority. He continued to go over the election returns; and concluded by saying that he wished to impress on the Lower Canadians that there was no evidence to prove that Upper Canada was in favor of secularization.¹⁶⁶

MR. BROWN said a majority of the people of Kent had not voted for the hon. member (Mr. Larwill), and that, if he had been properly opposed, he would not have had a seat in the House.¹⁶⁷

MR. S. SMITH of Northumberland would certainly approve of the suggestion of the hon. member for Kent, that a committee should be appointed to examine the returns of members, to ascertain whether Upper Canada had pronounced in favor of secularization.¹⁶⁸ The members of the Church of England itself were for the most part in favour of it. Of 25 members of that Church in this House from Upper Canada, 17 had voted for and only 8 against secularization.¹⁶⁹ He would recommend the committee, when appointed, to examine the return for the county of Kent, from which they would learn; that the hon. member, polled 559 votes out of upwards of 1,200 which were polled. That, in fact, he represented a minority of his own riding. When this was ascertained, it could be seen what reliance should be placed upon that hon. gentlemen's (sic) statements, that Upper Canada had not pronounced an opinion in favor of secularization.¹⁷⁰

MR. BROWN.--There were 1,200 votes not polled.¹⁷¹

MR. ROBINSON.--That cuts against you.¹⁷²

MR. S. SMITH.--No. They did not vote because there was no candidate in favor of secularization; if there had been, they would all have voted for him (laughter). The hon. member took very good care, when selecting constituencies about which to make remarks, to refer to small constituencies, but he ought in fairness to mention also, the large rural constituencies, such as the county of Peel, which contained about 2700 inhabitants. The county of Peterborough, with a large population, and also Victoria, and the ridings of Northumberland and Durham, a proper examination and understanding would show that there was an overwhelming majority in Upper Canada in favor of secularization. He then referred to the motion of Captain Rhodes, who had taken an opportunity of lecturing the house about intolerance and had charged all seceders as being intolerant. That hon. gentleman had brought forward a motion to prevent any portion of the Reserves in Lower Canada being applied to any other than Protestant purposes, clearly showing that such a charge as intolerance might well apply to himself. The hon. member for West York had asserted, that the legal position taken by the hon. member for Toronto had not been met or controverted. He would say that the answer of the Hon. Attorney General West, in his opinion, was a complete answer on the law. He would, however, ask the hon. member for Toronto, if the stipends of incumbents were not now charged upon, and derived from the funds arising out of the sale of Reserves under statute which the hon. member had referred to as giving all the funds to the churches of England and Scotland?¹⁷³

MR. CAMERON.--Yes; it is so.¹⁷⁴

MR. S. SMITH.--Then, if that be the case, it is clear that the Imperial Legislature intended the Colonial Legislature to deal with those funds, or the clause preventing that Legislature from interfering with those stipends would have been unnecessary and absurd. He would rather say, that the hon. member for Toronto had asserted, that those funds could not be appropriated by this Legislature, while at the same time he brought forward a resolution requiring the House to make an appropriation of those funds.¹⁷⁵

MR. CAMERON had asserted, that the statute gave the proceeds of those sales to the churches of England and Scotland, but those proceeds were distributed under the act of 1840.¹⁷⁶

MR. S. SMITH did not think that the explanation amounted to anything. The Legislature had or had not that power, the resolution was unnecessary; if it had the power, it should repudiate it without hesitation. Referring to the pamphlet of the Bishop of Toronto, he would, for the information of those gentlemen from Lower Canada, intended to be influenced by it, refer to a few of the statements contained in it, and show how unwarranted they were. First was the statement, that the Wesleyan Methodists had not pronounced an opinion. This was incorrect. That body had lately given an unequivocal mark of their feelings in favor of secularization. Any person who would assert that this was not their feeling, did not know what feeling prevailed in the country constituencies. He had authority from one of his constituents to state, that the Wesleyan Methodists, nineteen-twentieths of them, were averse to having anything to do with the Reserves, and desired that no provision in their favor should be inserted in the bill before the House. Next, the bishop had treated the matter as if it were the members of dissenting bodies which had forced this question upon the Legislature. This was strange. He had taken the trouble to ascertain how this was, and found that two-thirds of the members of the Church of England in the House,

from Upper Canada, were in favor of secularization. The Bishop had also given the whole of the members of this church as against secularization, but what he had just said would show that this was incorrect; and, taking the fact as a fair index of the feelings of the members of that church, the number would be about 70,000 against secularization, instead of 260,000, as stated by the Bishop. He did not hesitate to assert, that the Bishop's statement was incorrect in giving the whole of the members of the Roman Catholic Church and Church of Scotland as opposed to secularization. It was not the case. Many, very many of those persons were in favor of secularization. The learned Bishop had also urged upon the Lower Canada Liberals that their church property would be secularized, if the present bill were passed. In his pamphlet he states, at page 5:--

"Hitherto the rich and splendid endowments of the Roman Catholic Church have been kept in the back ground, and concealed from the eyes of the people; while all the bitterness and odium which the most wicked imaginations could conceive, have been poured on the defenders of the wretched pittance of her original endowment, which now remains to the Church of England. But this must no longer be permitted; both properties rest on the same foundation; and both will sooner or later share the same fate."

When writing this he must have forgotten what he had written in a pamphlet published by him in England in 1837. His language then was--

"The Roman Catholic religion is fully established in as far as it respects persons of that persuasion, not in Lower Canada only but also in Upper Canada, for the 14th Geo. 3rd respecting the Province of Quebec which at that time embraced both Canadas, and so complete is this establishment of the Romish Church that it cannot be touched directly or indirectly by the Colonial Legislature.

In Sections 35, 36, 37, 38, 39 and 40 of the 31st Geo. 3rd Chap. 31, provision is made for the support of a Protestant clergy, but this provision is liable under certain restrictions and limitations pointed out in Section 42 to be altered by the Provincial Legislature--from this it appears that the state of the two churches is very different. The Provincial Legislatures have nothing to do either directly or indirectly with the Romish Church but the same Legislatures may, vary, repeal or modify the 31st Geo. 3rd. Chap, 31, as far as it respects the Church of England, pages 32 and 33.

He would now put it to Lower Canadian members were they prepared to desert the Liberals of Upper Canada who had always been their friends, and a large majority of the House; to ally themselves with a very small minority representing the views of the Bishop of Toronto, to defeat a measure so ardently desired. Were they to adopt the latter course it would not defeat the measure, it would only be putting off the evil day, secularization would come, no power could prevent it. The Protestants of Upper Canada on this point were determined. He had no fear of such a result. The Lower Canada Liberals desired a great social evil to be removed from their part of the country.--The Seigniorial Tenure. The Upper Canada Liberals were prepared to meet them in a spirit of conciliation to effect the settlement of these great questions and he felt no doubt they would be met in a proper spirit. It had been said that secularization was to be carried because it was a necessity. He felt that it was to be effected because it was right and just.¹⁷⁷

MR. BOWES wished to make one remark in regard to the hon. member for Northumberland. That hon. gentleman had misquoted the statistics of the Bishop of Toronto. He (Mr. B.) had on a previous occasion showed that under the extended franchise act there would not be a majority in favor of secularization. It had been said that the church property in Lower Canada was on a different footing

from that of the reserves; but the reserves were granted in Upper Canada in lieu of tythes and were therefore on precisely the same footing as the reserves. British statesmen held that view in discussing the subject when the late Imperial bill was passed. These reserves belonged to all the people of Canada, and he denied that they had yet been consulted. If they were all consulted he would then say--let it go. He had no doubt at all that a new agitation of this question would take place under the extended franchise act. He could understand the members for Haldimand and Lambton, but he could not understand the Lower Canadians, who were opposed to the secularization of church property and yet voted against their convictions on this question, because they believed the majority in Upper Canada to be in favor of secularization. The great objection was to the endowment of one church while none of the others were endowed. If these reserves were to be secularized let all church property share the same fate; and let all churches take a fair start. He warned the Roman Catholics of Lower Canada--and he did not do so as a threat--that if the reserves were secularized the whole church property would share the same fate; not by his vote, for he would not vote for it, but by the vote of others who would be quite ready to do so.¹⁷⁸

MR. J. SMITH, of Victoria, combatted Mr. Cameron's construction of the Imperial act.¹⁷⁹ The Act of 7 and 8 George IV., chap. 62¹⁸⁰ merely provided for the sale of a portion of the reserves; the Act of 3rd and 4th Vic. provided for the sale of the whole of them. The act recently passed in England was not an act to repeal either of these statutes; but by the proviso in the second clause it enabled this Legislature to vary or repeal the provisions of the act Geo. IV. and also of the act 1840, and to deal with all the funds that had accrued under these two statutes.¹⁸¹

MR. FOLEY had taken the figures of the hon. member for Kent and from them he found the secularizers from Upper Canada, in this House, represented a population of 777,000, while the anti-secularizers represented only, in round numbers 170,000; showing a majority of 607,000 secularizers.¹⁸² [It was] one of the great facts brought out in the returns moved for by Mr. Mackenzie¹⁸³.

MR. AIKINS maintained that secularization was the grand question on which the last general election turned. In the county which he had the honor to represent he was well aware that a great majority even of the members of the Church of England were in favour of it.¹⁸⁴ [He] said secularization was the test in his county; but although a majority of the Church of England opposed secularization there, the other denominations supported it.¹⁸⁵

MR. BOWES [asked a question].¹⁸⁶

MR. AIKINS said he was not prepared to say that he was [in favour of secularization].¹⁸⁷

MR. FERRES ... stated that he would vote for Mr. Cameron's amendment, believing that the House had only power to legislate on the Reserves yet unsold, and the proceeds of which had not been invested¹⁸⁸. The proceeds of the reserves sold were already appropriated under the act of 1840. He was prepared to secularize the clergy reserves; but he was not prepared to take from the churches the amounts appropriated to them. These funds were as much appropriated to these churches as any property the Roman Catholics had. There was no title to the property of the Seminary of St. Sulpice except an ordinance passed in this country in 1840.¹⁸⁹ The gentlemen who had possession of them at the time of the conquest, held them by no right of their own, but simply as agents

of the St. Sulpiciens in Paris. In 1828 or 1829, the matter had been submitted for the opinion of the most eminent lawyer in France, M. Dupin, and the opinion he gave was that they had no legal title to the property whatever.¹⁹⁰ The ordinance under which the Seminary of St. Sulpice held their valuable property could at any time be repealed by that House, and contained itself a clause to that effect, which he had read the previous evening.¹⁹¹ That ordinance declared the title should not be complete till a competent Legislature should complete it; and no action of a competent legislature had been had upon it.¹⁹² Other Roman Catholic property in Lower Canada was held by no better title.¹⁹³ If the Roman Catholic church property was not on the same footing as the reserves it was on a much worse footing.¹⁹⁴ As to the tithes, the greater part of them were collected by virtue of the Acts passed in this country for erecting parishes, and as no priest was entitled to collect tithes except in a parish erected by law, if the law erecting the parishes were repealed, the right to collect tithes¹⁹⁵ or build churches¹⁹⁶ would fall to the ground.¹⁹⁷ Nothing had been more catching than the seizure of church property in all countries where the practice had existed.¹⁹⁸

MR. COM. PUB. WORKS CHABOT said [in French]¹⁹⁹ the question of tithes was one with which Upper Canada had nothing to do, and which should be left to be determined by the people of Lower Canada themselves, in the same way as they allowed the majority from Upper Canada to deal as they pleased with the Reserves.²⁰⁰ For his part he did not look upon the Clergy Reserves as an appropriation. He went over the history of the question in support of this position. For his own part he did not desire the disturbance of the act of 1840, and with that feeling he had voted against all the resolutions of Mr. Price in Toronto.²⁰¹

MR. DUFRESNE ... addressed the House in French.²⁰² [He] defended himself for voting for secularization, and said that he did not deserve the appellation of spoliator for doing so.²⁰³

(268)

The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being put, That it be an Instruction to the said Committee, to leave out the words "all semblance of connection between Church and State" in the 3rd Clause of the Bill, and to provide for the continued appropriation, for the benefit of the Churches of England and Scotland, of the monies arising from the sale of the Clergy Reserve Lands, sold under the authority of the Statute 7 & 8 Geo. 4, c. 62, in the same proportions as they have been heretofore enjoyed by, and appropriated to, those Churches, viz:--two-thirds to the Church of England, and one-third to the Church of Scotland:--To provide also, in accordance with the proportions secured by the Act 3 & 4 Vic. c. 78, for the continued enjoyment of the said Churches, and all other denominations of Christians desirous of receiving the same, for the purposes of public worship and religious instruction, of the monies that have arisen and been appropriated to those Churches and for religious purposes, from the sale of the Clergy Reserve Lands, under the authority of the last mentioned Statutes:--And to provide also, for the absolute payment to those Churches and religious bodies, of the principal monies so appropriated from the sales under the said Acts, so that the Executive Government shall cease to have any control over those funds, which shall be vested absolutely in those Churches and bodies, charged with the support of their Clergy, in the same manner as is now provided by law; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Bowes, Cameron, Casault, Crawford, Crysler, Ferres, Gamble, Larwill, Murney, O'Farrell, Powell, Rhodes, Robinson, Shaw, and Stevenson.--(16.)

(268-269)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Bourassa, Brodeur, Brown, Burton, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Cook, Daly, Charles Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Jackson, Laberge, Langton, Laporte, LeBoutillier, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Marchildon, Masson, Mattice, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Rankin, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Wilson, Wright, and Young.--(89.)

So it passed in the Negative.

MR. GALT said he had intended to move an instruction to the Committee to place the Jesuit's Estates of Lower Canada on the same footing as the Clergy Reserves, but it had been suggested to him that it would be well not to encumber the Clergy Reserve question with any other, and he therefore withdrew this notice.²⁰⁴

(269)

Mr. Bowes moved, seconded by Mr. Shaw, and the Question being proposed, That it be an Instruction to the said Committee to amend the Bill, by leaving out after "Canada" in the third line of the 1st Clause of the Bill to the end of the said Clause, and inserting the words "Clergy Reserve Fund, and the monies arising from the Clergy Reserves in Lower Canada, shall continue to form a separate Fund, which shall be called the Lower Canada Clergy Reserve Fund. The Reserve Fund for each section of the Province, respectively, shall consist of all monies arising from the sale of Clergy Reserves in that section, whether now funded or invested either in the United Kingdom or in this Province, or remaining uninvested, or hereafter to arise from such sales, the interest and dividend from monies forming part of such Fund, the interest upon sales of Reserves in that section of the Province; on credits and rents, issues and profits, arising from Clergy Reserves therein demised, or to be demised for any term of years, and other casual and periodical incomings arising from Clergy Reserves therein, after deducting therefrom the actual expenses attending the sale and management of the same; and the Funds aforesaid, and the monies forming the said Fund, shall be paid to the Receiver General, and shall be by him applied to the purposes hereinafter mentioned, under the authority of this Act, or any General or Special Order or Orders to be made by the Governor in Council" instead thereof;

MR. POWELL moved an adjournment of the Debate, it being now twelve o'clock.²⁰⁵

MR. HINCKS and ... the Government ... opposed ... the motion.... [They] intimated their intention of having all the amendments disposed of, and the Bill into Committee before the House rose.²⁰⁶

MR. BROWN was surprised that the Government should attempt to stifle discussion. They had had all the speaking to themselves that night, and there were

many hon. members who still desired to discuss matters of importance, affecting the main features of the measure.²⁰⁷

MR. LANGTON said he had an amendment to move, which he considered of importance, and if the Government insisted on their going on, he intended to explain his views fully even although they should sit to three o'clock in the morning.²⁰⁸

(269)

Mr. Powell moved, seconded by Mr. Frazer, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.²⁰⁹

And the Question being put, That it be an Instruction to the said Committee to amend the Bill, by leaving out after "Canada" in the third line of the 1st Clause to the end of the said Clause, and inserting the words "Clergy Reserve Fund, and the monies arising from the Clergy Reserves in Lower Canada shall continue to form a separate Fund, which shall be called the Lower Canada Clergy Reserve Fund. The Reserve Fund for each section of the Province, respectively, shall consist of all monies arising from the sale of Clergy Reserves in that section, whether now funded or invested either in the United Kingdom or in this Province, or remaining uninvested, or hereafter to arise from such sales, the interest and dividend from monies forming part of such Fund, the interest upon sales of Reserves in that section of the Province; on credits and rents, issues and profits, arising from Clergy Reserves therein demised, or to be demised for any term of years, and other casual and periodical incomings arising from Clergy Reserves therein, after deducting therefrom the actual expenses attending the sale and management of the same; and the Funds aforesaid, and the monies forming

(270)

the said Fund, shall be paid to the Receiver General, and shall be by him applied to the purposes hereinafter mentioned, under the authority of this Act or any General or Special Order or Orders to be made by the Governor (sic) in Council" instead thereof; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Crawford, Murney, Powell, and Rhodes.--(5.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Bourassa, Brodeur, Brown, Burton, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Church, Clarke, Cooke, Cook, Darche, DeLong, Desaulniers, DeWitt, Antoine A. Dorion, Dufresne, Ferres, Flint, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Galt, Gould, Hartman, Hincks, Holton, Jackson, Langton, LeBoutillier, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Matheson, Mattice, Meagher, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Wright, and Young.--(72.)

So it passed in the Negative.

Mr. Bowes moved, seconded by Mr. Shaw, and the Question being put, That it be an Instruction to the said Committee, to make the following amendments to the Bill:--

Clause 2. Leave out after "pledged" to the end of the Clause, and insert "shall form part of the appropriation to such Churches under the general appropriation of the Reserve Fund in each section of the Province as hereafter named, whether such payment has been heretofore made to Churches or individual Clergymen of such Churches."

Clause 3. Leave out after "desirable" to the end of the Clause, and insert "to effect a final settlement of all matters, claims, and interests, arising out of the Clergy Reserves, by as speedy an appropriation of the interest of the proceeds as may be:--Be it therefore enacted, that the Lands called Clergy Reserves be valued by competent parties, to be appointed by the Governor in Council for that purpose, and the said Lands assumed by the Crown at such valuation, and the proceeds placed at the credit of the Clergy Reserve Fund, and the interest therefrom, with the interest and profits arising from all other sources of Clergy Reserve property, in each section of the Province, be divided annually among the different Denominations of Christians, in proportion to their numbers, in each section of the Province, respectively."

Leave out Clause 4, and insert "That all the monies arising from every source, to the credit of the Reserve Fund, and paid to the Receiver General of this Province, shall be by him invested in Provincial or Municipal Securities, which, under the Act to establish freedom of Banking, or any Act amending the same, may be accepted by the Receiver General in exchange for registered Bank Notes as the Governor in Council shall from time to time direct,

(271)

and the Receiver General being thereunto authorized by Order of the Governor in Council, shall have full power to dispose of any securities in which monies are or shall be invested, and to invest the proceeds in any other such securities as aforesaid."

Leave out Clause 5, and insert "That the amount of interest arising from the Clergy Reserve Fund, in each section of the Province, be divided annually among the different denominations in each section of the Province, respectively, according to numbers, for the purposes of Religion or Education, as a majority of the members of such denominations shall decide, the proportion of members to be ascertained by a census to be immediately taken under the authority of any Act of this Province under which the census can be legally taken. When the census is so taken, and the numbers accordingly determined, it shall be the duty of the Receiver General to cause to be paid to each Church that will accept the same, a share of the interest and profits of the Fund so invested, after having deducted the cost of management; and the denomination receiving such proportion of the said Reserves shall render an account in detail to the Provincial Parliament, of the manner in which the proportion so received has been appropriated by such Church;"210

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Crawford, Murney, O'Farrell, and Rhodes.--(5.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Brodeur, Brown, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Clarke, Cooke, Cook, Charles Daoust, Delong, Desaulniers, DeWitt, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Flint, Foley, Octave C. Fortier, Fournier, Frazer, Galt, Gould, Hartman, Hincks, Holton, Jackson, LeBoutillier, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Marchildon, Matheson, Mattice, Meagher, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Powell, Rankin, Roblin, Solicitor General Ross, Sanborn, Scat-cherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Wright, and Young.--(71.)

So it passed in the Negative.

Mr. Murney moved, seconded by Mr. Rhodes, and the Question being put, That the Order of the day be postponed until To-morrow; the House divided:--And it passed in the Negative.

Mr. Langton moved, seconded by Mr. Sidney Smith, and the Question being proposed, That it be an Instruction to the said Committee to amend the Bill, so that no Religious Body or Denomination shall be recognized as having any right to participate in the Clergy Reserve Fund, otherwise than as a medium of distributing the annual payments, or the commutation in lieu thereof, to the persons whose individual rights are acknowledged.

(272)

Mr. Thibaudeau moved, seconded by Mr. Powell, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

And the Question being again proposed, That it be an Instruction to the said Committee to amend the Bill, so that no Religious Body or Denomination shall be recognized as having any right to participate in the Clergy Reserve Fund otherwise than as a medium of distributing the annual payments, or the commutation in lieu thereof, to the persons whose individual rights are acknowledged;

And a Debate arising thereupon;²¹¹

Mr. Foley moved, seconded by Mr. Taché, and the Question being put, That the Debate be adjourned until To-morrow; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Brown, Chapais, Cooke, Charles Daoust, Antoine A. Dorion, Ferres, Ferrie, Flint, Foley, Fournier, Frazer, Galt, Hartman, Holton, Laberge, Langton, LeBoutillier, Lumsden, Mackenzie, McKerlie, Marchildon, Mattice, Munro, Murney, O'Farrell, Pouliot, Powell, Rankin, Rhodes, Sanborn, Scatcherd, Taché, Terrill, Thibaudeau, and Young.--(36.)

NAYS.

Messieurs Aikins, Alleyn, Biggar, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Clarke, Cook, Crawford, Delong, Attorney General Drummond, Dufresne, Felton, Gould, Hincks, Jackson, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. McNab, McCann, Matheson, Morin, Angus Morrison, Niles, Patrick, Poulin, Roblin, Solicitor General Ross, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, and Wright.--(38.)

So it passed in the Negative.

On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Morin,

Ordered, That the Debate be adjourned until To-morrow, and be then the first Order of the day.

Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Morin,

The House adjourned.²¹²

FOOTNOTES: THURSDAY, 2 NOVEMBER 1854.

1. GLOBE, 10 November 1854.
2. IBID.
3. TORONTO LEADER, 9 November 1854, which notes the motion occurred at quarter to four o'clock. MONTREAL GAZETTE, 6 November 1854, claims that the debate on the Clergy Reserves' Bill lasted "from three o'clock in the afternoon till half-past two the following morning".
4. TORONTO LEADER, 9 November 1854.
5. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
6. GLOBE, 10 November 1854.
7. TORONTO LEADER, 9 November 1854.
8. MORNING CHRONICLE, 6 November 1854.
9. TORONTO LEADER, 9 November 1854.
10. GLOBE, 10 November 1854.
11. TORONTO LEADER, 9 November 1854.
12. GLOBE, 10 November 1854.
13. TORONTO LEADER, 9 November 1854.
14. GLOBE, 10 November 1854.
15. TORONTO LEADER, 9 November 1854.
16. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
17. GLOBE, 10 November 1854.
18. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard). Instead of "dissenters", GLOBE, 10 November 1854, refers to "the sectarians from Upper Canada", and TORONTO LEADER, 9 November 1854 notes "Protestants".
19. MORNING CHRONICLE, 6 November 1854.
20. GLOBE, 10 November 1854.
21. TORONTO LEADER, 9 November 1854.
22. GLOBE, 10 November 1854.
23. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
24. GLOBE, 10 November 1854.
25. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
26. TORONTO LEADER, 9 November 1854.
27. GLOBE, 10 November 1854.
28. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
29. GLOBE, 10 November 1854.
30. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
31. IBID.
32. LE PAYS, 9 November 1854.
33. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
34. LE PAYS, 9 November 1854.
35. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
36. GLOBE, 10 November 1854.
37. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
38. GLOBE, 10 November 1854.
39. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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41. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
42. GLOBE, 10 November 1854.
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44. GLOBE, 10 November 1854.
45. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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47. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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50. GLOBE, 10 November 1854.
51. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
52. GLOBE, 10 November 1854.
53. TORONTO LEADER, 9 November 1854.
54. GLOBE, 10 November 1854.
55. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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57. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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59. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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66. GLOBE, 10 November 1854.
67. TORONTO LEADER, 9 November 1854.
68. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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70. TORONTO LEADER, 9 November 1854.
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73. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
74. TORONTO LEADER, 9 November 1854.
75. GLOBE, 10 November 1854.
76. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
77. GLOBE, 10 November 1854.
78. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
79. TORONTO LEADER, 9 November 1854.
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81. GLOBE, 10 November 1854.
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85. GLOBE, 10 November 1854.
86. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
87. TORONTO LEADER, 9 November 1854.
88. GLOBE, 10 November 1854.
89. TORONTO LEADER, 9 November 1854.
90. GLOBE, 10 November 1854.
91. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
92. GLOBE, 10 November 1854.
93. IBID.
94. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
95. GLOBE, 10 November 1854.
96. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
97. TORONTO LEADER, 9 November 1854.
98. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
99. IBID.
100. IBID.

101. LE PAYS, 11 November 1854.
102. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
103. GLOBE, 10 November 1854.
104. IBID.
105. IBID.
106. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
107. GLOBE, 10 November 1854.
108. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
109. IBID.
110. GLOBE, 10 November 1854.
111. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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113. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
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119. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
120. IBID.
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122. IBID.
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124. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
125. GLOBE, 10 November 1854.
126. TORONTO LEADER, 9 November 1854.
127. GLOBE, 10 November 1854.
128. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
129. TORONTO LEADER, 9 November 1854.
130. GLOBE, 10 November 1854.
131. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
132. TORONTO LEADER, 9 November 1854.
133. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
134. GLOBE, 10 November 1854.
135. TORONTO LEADER, 9 November 1854.
136. GLOBE, 10 November 1854.
137. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
138. GLOBE, 10 November 1854.
139. TORONTO LEADER, 9 November 1854.
140. GLOBE, 10 November 1854.
141. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
142. GLOBE, 10 November 1854.
143. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
144. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
145. TORONTO LEADER, 9 November 1854.
146. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
147. GLOBE, 10 November 1854.
148. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
149. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
150. TORONTO LEADER, 9 November 1854.
151. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
152. TORONTO LEADER, 9 November 1854.
153. GLOBE, 10 November 1854.
154. TORONTO LEADER, 9 November 1854.

155. GLOBE, 10 November 1854.
156. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
157. GLOBE, 10 November 1854.
158. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
159. GLOBE, 10 November 1854.
160. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
161. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
162. MACKENZIE'S WEEKLY MESSAGE, 10 November 1854.
163. TORONTO LEADER, 9 November 1854.
164. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
165. GLOBE, 10 November 1854.
166. TORONTO LEADER, 9 November 1854.
167. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
168. TORONTO LEADER, 9 November 1854.
169. GLOBE, 10 November 1854.
170. TORONTO LEADER, 9 November 1854.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. TORONTO LEADER, 9 November 1854. The remarks are printed in a separate paragraph and the name is printed in capitals as if Mr. Cameron is replying to Mr. S. Smith. However these may be typographical errors. From the context, it appears that this statement may have been made by Mr. S. Smith in reference to Mr. Cameron.
177. TORONTO LEADER, 9 November 1854. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard), notes that he read the extract of the Bishop's pamphlet of 1827 "amid loud shouts of 'hear'".
178. TORONTO LEADER, 10 November 1854.
179. IBID.
180. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
181. TORONTO LEADER, 10 November 1854.
182. IBID.
183. GLOBE, 10 November 1854.
184. IBID.
185. TORONTO LEADER, 10 November 1854.
186. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
187. IBID.
188. GLOBE, 10 November 1854.
189. TORONTO LEADER, 10 November 1854.
190. GLOBE, 10 November 1854.
191. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
192. TORONTO LEADER, 10 November 1854.
193. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
194. TORONTO LEADER, 10 November 1854.
195. GLOBE, 10 November 1854.
196. TORONTO LEADER, 10 November 1854.
197. GLOBE, 10 November 1854.
198. TORONTO LEADER, 10 November 1854.
199. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard). TORONTO LEADER, 10 November 1854, notes that Mr. Chabot addressed the House in French.
200. GLOBE, 10 November 1854.
201. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).

202. TORONTO LEADER, 10 November 1854.
203. MONTREAL GAZETTE, 7 November 1854 (in Scrapbook Hansard).
204. GLOBE, 10 November 1854.
205. IBID.
206. IBID.
207. IBID.
208. IBID.
209. GLOBE, 10 November 1854, states: "After about an hour had been spent in discussing the question of adjournment Mr. Powell's motion was negatived on a division."
210. TORONTO LEADER, 9 November 1854, notes: "The resolutions of Mr. Bowes for a particular form of sectarian division of the revenues ... were moved considerably after midnight when some 30 members had left."
211. STANSTEAD JOURNAL, 9 November 1854, comments: "At two o'clock this morning the temper of the House was evidently bad, quite too much so to discuss a church question, and yet the majority voted down an adjournment, and refused in the most peremptory manner to listen to the Hero of Navy Island, who seemed most anxious in a set speech to support a 3d amendment moved by Mr. Langton of Peterboro, the consequence was that after devoting a half hour or so to a scene of most heathenish and unparliamentary kicking, shouting, yelling, stamping, and barking, the House gave way, the debate was adjourned until 3 o'clock P.M., at which time a systematic and very parliamentary course of Braying is to be resumed.
212. GLOBE, 10 November 1854, and MONTREAL GAZETTE, 6 November 1854, state that the House adjourned at half-past two; TORONTO LEADER, 10 November 1854, claims the House rose at half-past one. STANSTEAD JOURNAL, 9 November 1854, comments: "A rather exciting scene was exhibited in (sic) the floor of the House after the adjournment. Mr. Rankin, from Essex, successor to Col. Prince, fancied in an attempt which he had made to be heard in the House that Mr. Hincks had sneered at him, and informed that Honorable gentleman in 'no equivocal' terms, that he, Rankin 'knew how to hold gentlemen responsible for such conduct elsewhere than on the floor of that House."

FRIDAY, 3 NOVEMBER 1854.¹

(272)

THE following Petitions were severally brought up, and laid on the table:--
By Mr. Joseph Curran Morrison,--The Petition of Robert G. Haliburton, Mas-

(273)

ter of Arts, Attorney and Barrister-at-Law of the Supreme Courts of Judicature for the Province of Nova Scotia; and the Petition of William A. Johnston, A.B., and Attorney and Barrister-at-Law, of Halifax, Nova Scotia.

By Mr. Lumsden,--The Petition of George Tait and others, of the Township of Pickering and Scarborough.

By Mr. Hartman,--The Petition of John Cameron, Esquire, and others; the Petition of James Tweddell and others; the Petition of Joseph Parkin and others; the Petition of J.R. Ardagh and others; and the Petition of James Hill and others, of the Village of Mitchell, County of Perth.

By Mr. Daly,--The Petition of Peter Sinclair and others of the Township of Bruce, County of Bruce; and the Petition of Samuel Whaley and others, of the Township of Mornington and other places, in the County of Perth.

By Mr. Solicitor General Smith,--The Petition of Spikes Corners' Division, No. 331, of the Order of the Sons of Temperance.

By Mr. Matheson,--The Petition of the Municipality of the Township of West Oxford.

By Mr. Frazer,--The Petition of Leonard M. Mathews and others, of the Township of Crowland; the Petition of Thomas Sowersly and others, of the Village of Port Robinson; and the Petition of A. Page and others, of the Township of Thorold.

By Mr. Patrick,--The Petition of J.W. Berney and others, of the Township of Augusta; the Petition of Warren Lyman and others, of the Township of Augusta; the Petition of Isaac Foster and others, of the Township of Elizabethtown; and the Petition of William Landon and others, of the Township of Elizabethtown.

By the Honorable Mr. Robinson,--The Petition of David Shaw Ramsay, of the Parish of St. Hugues, District of Montreal, Esquire.

By Mr. Taché,--The Petition of J.B. Duguay and others, of Ste. Luce and other Parishes, in the County of Rimouski.

By Mr. Laberge,--The Petition of Michel Massé and others, of St. Athanase, County of Iberville.

By Mr. Jean Baptiste Eric Dorion,--The Petition of E. Richard and others; the Petition of F. Pothier and others; the Petition of Etienne Faucher and others; the Petition of J.P.C. Larose and others; and the Petition of E. Brown and others.

By Mr. Lemieux,--The Petition of Télesphore Fournier, of the City of Quebec, Esquire, a Candidate at the last Election of a Member to represent the County of Bellechasse, in this present Parliament.

On motion of Mr. Cauchon, seconded by Mr. Taché,

Ordered, That the Select Committee on the Lotbinière Election Petition have leave to adjourn until Thursday next, at half past Ten o'clock in the forenoon, in order to allow the Petitioner the delay to enable him to procure evidence.

MR. AT. GEN. J.A. MACDONALD moved that the notices of motion be passed over, and that the House proceed to the first order of the day, for resuming the adjourned debate on the question of going into committee on the Clergy Reserves bill, and on Mr. Langton's motion for an instruction to the said Committee.²

(273)

The Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That it be an Instruction to the Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, to amend the Bill, so that no Religious Body or Denomination shall be recognized as having any right to participate in the Clergy Reserve Fund otherwise than as a medium of distributing the annual payments, or the commutation in lieu thereof, to the persons whose individual rights are acknowledged.

[The motion was] carried.³

MR. SICOTTE the SPEAKER then put the question on Mr. Langton's motion, that it be an instruction to the said Committee to amend the bill, so that no religious body or denomination shall be recognized as having any right to participate in the Clergy Reserve Fund, otherwise than as a medium of distributing the annual payments or the commutation thereof to the persons whose individual rights are acknowledged.⁴

An hon. member shouted "call in the members."⁵

MR. SICOTTE the SPEAKER declared Mr. Langton's amendment lost.⁶

(273)

And the Question being again proposed;--The House resumed the said adjourned Debate.

And the Question being put:--It passed in the Negative.

MR. AT. GEN. J.A. MACDONALD moved that the Speaker do now leave the Chair.⁷

[The motion was] carried.⁸

MR. PATRICK [was] in the Chair.⁹

MR. AT. GEN. J.A. MACDONALD said it was understood that before the debate of the Clergy Reserve bill was gone into, the Seigniorial bill, should be advanced to the same stage. Having therefore gone into Committee pro forma, he moved that it do now rise, report progress, and ask leave to sit again¹⁰.

[The motion was] carried, and MR. SICOTTE the SPEAKER accordingly resumed the chair.¹¹

MR. BROWN, who came in at this point, the whole of the above proceedings having only occupied a few minutes, said that the House had been quite taken by surprise by the course adopted by the Government. No member of the House could have expected that this question should be reached so soon, or that all the notices would have been set aside to arrive at it. He thought that the course which had taken place as to preventing discussion, was quite irregular.¹²

MR. LANGTON said that this proceeding of the Government was most singular and unprecedented. The debate on his motion was adjourned at two o'clock in the morning, on the motion of the hon. gentleman at the head of the Government, and of course, it was understood by every one, that the adjournment was not a mere pretence, but that there was to be a debate, [hear, hear.] But instead of that, all the notices of motions were postponed, in order to arrive at once at that motion which was pressed to a division and negatived, although neither the mover nor the seconder was present. He was informed moreover, that a call was made for the members to be called in, which was not done. He (Mr. Langton,) was

in the Committee Room, on an important committee, but he would certainly have been down if he had had any idea that the question would have been put so soon. It was evidently the intention of the Government that there should be no discussion of the question, but they had not gained their object. He would take another opportunity of having it discussed, and of having the opinions of himself and his friends, recorded in the journals of the House. The mere putting down of discussion on the present occasion would certainly not put an end to it. He protested against a division on the question, going forth as an expression of opinion of the House, for it was nothing else than a march stolen upon those interested in the question. He felt it the more necessary to make these remarks, because since he came into the House, he had been asked by several gentlemen, whether it was not all a private arrangement, that the thing should be dropped through. Most certainly he was a party to no such arrangement. There would be another opportunity, however, of going on with the subject, and that opportunity he would take advantage of.¹³

MR. SICOTTE the SPEAKER explained that when the call was made to bring in the members, the question had been put from the chair, and it was then too late according to the usual practice of the House.¹⁴

MR. INSP. GEN. CAYLEY said, he was not himself in his place when the order of the day was called, but he understood that it was then remarked by the leader of the government that the mover was not in his place. No one got up to prolong the debate, and it was in consequence of that, and not of any pressure on the part of the government, that the question was put.¹⁵

MR. PRES. EX. COUN. MACNAB said, he was perfectly satisfied that the hon. member would have a much better opportunity of discussing the question in committee than with the speaker in the chair.¹⁶ There was no intention to prevent debate.¹⁷

MR. AT. GEN. J.A. MACDONALD said, the hon. member was mistaken in saying that it was an unprecedented course which had been taken by the government. It was the usual practice on days devoted to government business, to pass over the notice of motions. When he moved that the order of the day be taken up, he did so in the full expectation that there was to be a discussion on it. The speaker waited for some time before he put the motion in order to give any member who chose an opportunity of speaking on it, and, as the speaker had explained, it was not till after the question had been put that some one said "call in the members," when it was too late to do so. There was no desire on the part of the government to prevent the discussion, and they had no means of doing so if they had desired it.¹⁸

(274)

The House, according to Order, resolved itself into a Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

Sidney Smith, Esquire, the Honorable John Young, Basil Rorison Church, Esquire, Robert Bell, Esquire; Chairman, Thomas Jean Jacques Lorranger, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of

Lenox and Addington, their Names were called over; and they being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the United Counties of Lenox and Addington, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Ten in the forenoon.

Louis Léon Lesieur Desaulniers, Esquire, Joseph Dufresne, Esquire, Thomas Fortier, Esquire, David Barker Stevenson, Esquire; Chairman, Timothy Lee Terrill, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, their Names were called over; and they being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Kamouraska, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

Jean Baptiste Mongenais, Esquire, Edmund Murney, Esquire, Luther H. Holton, Esquire, Alanson Cooke, Esquire; Chairman, James Smith, Esquire, being the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, their Names were called over; and they being come to the Table, they were sworn by the Clerk.

Ordered, That the Petitions relative to the Election and Return for the County of Megantic, be referred to the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Twelve, at noon.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 18th ultimo, for a certain Statement with reference to the Clergy Reserves in Upper and Lower Canada.

For the said Return, see Appendix (L.L.)

Return to an Address from the Legislative Assembly to His Excellency the

(275)

Governor General, dated the 14th September, 1854; praying His Excellency to cause to be laid before the House a Return, under the usual heads of the Revenue and Expenditure of the gross Revenue of Canada, and amount of payments therefrom during the six months of the fiscal year ending the 31st July last, including the Post Office Department; also, the amount of Cash at the credit of the Government in the Banks and other monied institutions of Canada, or elsewhere, or lent to individuals, or on deposit with them, at as recent a date as may be in the power of the Inspector and Receiver General's Departments to supply; and also, a Statement of the whole Public Debt at this time, including all sums for which the Province is security, shewing the interest now due by Railway or other incorporated Companies, if any, and unpaid; shewing also, the condition of the Consolidated Municipal Loan Fund of Upper Canada,

and the gross income of the Clergy Reserves in Upper and in Lower Canada, for the six months since the period to which the Public Accounts for 1853 are made up.

For the said Return, see Appendix (N.N.)

Return to an Address from the Legislative Assembly, dated 19th September, 1854, for information relative to sale of Emigrant Sheds at Point St. Charles, Montreal.

By Command,

Secretary's Office,
Quebec, 2nd November, 1854.

Pierre J.O. Chauveau,
Secretary.

Public Works, Quebec, 31st October, 1854.

Sir,--In reply to your letter of the 20th ultimo, asking to be furnished, for the information of the Legislative Assembly, "with the authority by which the Emigrant Sheds at Point St. Charles, in Montreal, were sold, the name of the purchaser or purchasers, the amount of the proceeds, the time when and to whom paid," I have the honor to inform you, that three of the Sheds were sold by authority of the Department of Public Works to the Grand Trunk Railway Company, for \$100, on the 27th October, 1853, which amount was paid over to the Receiver General on the 29th of the same month.

I have, &c,

(Signed,) Thomas A. Begley,
Secretary.

E. Parent, Esquire,
Assistant Secretary.

Return to an Address from the Legislative Assembly, dated 16th ultimo, for copies of two Petitions from the Mayor and Inhabitants of Brockville and Cornwall, respectively, relative to the transmission of Emigrants through the Inland Waters of the Province.

For the said Return, see Appendix (O.O.)

Return to an Address from the Legislative Assembly, of the 26th ultimo, for a Statement of Licenses granted for working Mines and Minerals in Lower Canada, from 1847 to 24th ultimo.

For the said Return, see Appendix (P.P.)

On the motion of MR. PROV. SEC. CHAUVEAU, 19

(275)

Ordered, That the Return relative to the Clergy Reserves, presented this day, be printed for the use of the Members of this House.

On the motion of MR. PROV. SEC. CHAUVEAU, 20

(275)

Ordered, That in addition to the number of copies of the Report of the Superintendent of Schools for Upper Canada, for 1853, required by this House,

(276)

a sufficient number be printed to furnish a copy to each County Board of Public Instruction, and each Municipal and School Corporation and Local Superintendent of Schools in Upper Canada.

On motion of MR. MACKENZIE, 21

(276)

Ordered, That the Return relative to the Revenue, Cash at credit of Government, Public Debt, Consolidated Municipal Loan Fund, and Clergy Reserves, presented this day, be printed for the use of the Members of this House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to prohibit Interments in certain Burial Grounds in the City of Quebec," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to prohibit Interments in certain Burial Grounds in the City of Quebec," was read for the first time.

On motion of Mr. Alleyn, seconded by Mr. Terrill,

Ordered, That the Bill be read a second time on Wednesday next.

Mr. Speaker laid before the House the following Returns and Statements, received in pursuance of the Order of this House, of the 14th September last:-- Return from the Registrar of the United Counties of Huron and Bruce, to 31st December, 1853.

For the said Return, see Appendix (Z.)

Statements of the Affairs of the Canada Life Assurance Company, to 30th April, 1854; of the Gore Bank, to the 30th September, 1854; of the Northumberland and Durham Savings Bank, to the 1st June, 1854; of the London Savings Bank, to the 1st September, 1854; of the Bank of Upper Canada, to the 31st August, 1854; and of the Welland Canal Loan Company, to the 1st September, 1854.

For the said Statements, see Appendix (E.E.)

Statement of the Affairs of the Streetsville Plank Road Company, to 31st December, 1853.

For the said Statement, see Appendix (F.F.)

The Order of the day for the House in Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held en roture in Lower Canada, being read;

Mr. Antoine Aimé Dorion moved, seconded by Mr. Brown, and the Question being proposed, That it be an Instruction to the said Committee, to amend the Bill, by providing that the basis of the measure shall be the immediate extinction of the Seigniorial Tenure, and the substitution of a Freehold Tenure in lieu thereof, regard being had to the rights of all parties;

And a Debate arising thereupon;

MR. A. DORION, de Montréal, propose qu'instruction soit donnée au comité d'amender le dit bill de manière à ce que la base de la mesure soit l'abolition immédiate de la Tenure Seigneuriale et la substitution d'une Tenure en Franc-aleu en protégeant les droits de toutes les parties intéressées. Le fait est, que le bill maintenant devant la Chambre n'abolirait pas la Tenure Seigneuriale dans un siècle, car il y a plusieurs propriétés qui peuvent ne pas se vendre durant cette période. Il pense donc que dans le siècle actuel où on passe et repasse tous les jours sur les chemins de fer, et où la valeur des propriétés augmente de jour en jour, il serait bien plus avantageux pour les habitants de ce pays d'avoir leurs terres entre les mains pour jouir eux-mêmes du bénéfice de cette augmentation, que de laisser subsister aucune partie du système actuel. Il n'y a pas de doute, qu'une partie de la population ne soit opposée à l'abolition immédiate de la Tenure; mais c'est parce qu'on croit qu'une abolition

immédiate doit entraîner un rachat immédiat. Si cela était vrai, il hésiterait peut-être entre les deux plans; mais on peut bien avoir une abolition forcée et immédiate sans que cette condition soit nécessaire. Le paiement peut bien être converti en une rente constituée avec une addition au montant annuel pour créer un fonds d'amortissement. Il préférerait faire payer le capital dans un certain nombre d'années; pourvu que la Tenure soit commuée il n'aurait pas d'objection à ce que le tout soit représenté par une rente constituée. Mais surtout il désire un changement si complet qu'il donne aux propriétaires tout l'avantage de l'amélioration de leurs propriétés.²²

DR. MASSON dit qu'aucune partie du pays n'a souffert de la Tenure plus que le comté de Soulanges, où on exerce le droit de retrait et de banalité sans beaucoup de ménagement. Pourtant il nie que dans son comté le peuple soit en faveur d'une commutation immédiate et forcée. Il félicite les seigneurs d'avoir trouvé des défenseurs de l'autre côté de la Chambre; mais cela n'est pas ce que les électeurs attendent d'eux. La majorité du Bas-Canada est certainement contre la commutation forcée.²³

MR. POULIN pense que le bill du Procureur-général va presque aussi loin que l'abolition immédiate²⁴. La conduite que tient l'hon. membre pour Montréal, M. Dorion, est propre à nuire au but qu'il désire atteindre, c'est-à-dire, l'abolition de la tenure seigneuriale (sic). Cette abolition ne s'obtiendra pas par des détails nouveaux remplaçant ceux du bill maintenant soumis à la chambre, et par lesquels on veut pourvoir à l'indemnité des seigneurs pour les droits qu'ils possèdent, en mettant cette indemnité au[x] mains des censitaires. En se compromettant par un vote en faveur de l'a[mende]ment proposé par l'hon. membre pour Montréal, ce serait non-seulement faire manquer la mesure de l'hon. procureur-général, mais encore placer cette chambre dans une position à ne pouvoir statuer durant cette session sur l'abolition de la tenure seigneuriale, en un mot, à ne pouvoir parvenir à cette solution qu'attend depuis longtemps et avec tant d'anxiété, le pays.

L'hon. membre dit qu'une abolition immédiate est désirable. Personne ne diffère avec lui d'opinion sur ce point, et si, en votant purement et simplement pour cette chose, la tenure seigneuriale pouvait se trouver éteinte, toutes les voix se réuniraient en faveur de la proposition de l'hon. membre. Mais, pour le simple plaisir d'exprimer une opinion individuelle, on ne doit pas mettre en danger un projet de loi qui accorde presque tout ce qu'on désire, et qui, par les amendements que l'on espère devoir y être faits en comité, deviendra acceptable pour le pays entier.

Le bill du gouvernement décharge de toute espèce de droits les terres non concédées des seigneuries et les fait disparaître complètement. On trouvera peut-être critiquable la disposition qui laisse au seigneur une partie de ces terres, pour indemnité, en créant, par là, de grands propriétaires. Mais cet inconvénient est loin d'être considérable; il est reconnu aujourd'hui que la quantité de terres non concédées n'est pas grande. Les seigneurs, depuis quelques années, ont eu la précaution (du moins un certain nombre) de concéder ce qu'ils avaient de terres de quelque valeur, à des amis qui, le lendemain, les ont remises; et ces terres se trouvent, par ce moyen, à l'abri de toute atteinte de la part de la législature. Malgré le désir d'être juste envers toutes les parties, ou plutôt à cause de ce désir même, on doit croire que ce serait favoriser trop les seigneurs que de leur ôter ce qu'il leur reste maintenant en terres non concédées, pour leur donner en retour une indemnité pécuniaire, quelque mince que pût être cette indemnité.

Nonobstant les assertions réitérées de l'honorable membre pour Montréal, et le désir qu'il a de faire croire que le plan du procureur-général n'abolit

nullement la tenure seigneuriale, cette chambre est convaincue que tous ceux qui ont lu le bill, diffèrent d'avec l'honorable membre, au moins en ce qui a rapport aux lods et ventes. Le titre de la mesure énonce le principe de l'abolition des lods et ventes; le préambule déclare qu'il est expédient de le faire, et la section 28^{me} déclare en termes formels qu'il n'y aura plus de lods et ventes à dater de la passation du bill. Il est vrai que tous n'admirent pas les procédés par lesquels le bill soumis à cette chambre suggère d'arriver au rachat du droit de lods et ventes. Les dispositions à ce sujet ne donnent pas plus de garanties au seigneur qu'au censitaire quant à la justice qui leur est due respectivement. Le tout est laissé aux commissaires, qui apprécieront d'une manière arbitraire (un examen attentif du bill convaincra du contraire). Ils pourront empiéter soit sur le seigneur, soit sur le censitaire, et il lui sera impossible de rendre justice au censitaire qui payera le prix de commutation aussitôt la loi passée, ou qui se verra forcé de le faire. On doit espérer qu'en comité, cette partie du bill sera modifiée de sorte à assurer justice égale aux intéressés.

Le droit de retrait et les droits honorifiques n'existeront plus par le bill en question. Les cens et rentes tels que réglés par ce projet de loi ne peuvent être affectés par l'amendement de l'hon. membre pour Montréal; ils se trouveront être, de fait, l'intérêt d'une somme que le censitaire pourra payer.²⁵ Le censitaire, dans tous les cas, n'aura pas à payer plus que deux sous par arpent, et toute la différence entre les deux plans, c'est que dans celui du membre pour Montréal cette rente est capitalisée.²⁶ Le montant à être payé annuellement pour rentes et le capital devant racheter ces rentes ou un capital portant intérêt, sont des jeux de mots, puisque cela ne change pas le montant à être payé.

Que cette somme soit payée immédiatement ou dans 15 ou 30 ans, le public en général n'en souffrira nullement; tout ce que l'on doit considérer, c'est la justice à rendre au seigneur et au censitaire. Le seigneur peut se plaindre de ce que sa propriété sera morcelée, en laissant à chaque censitaire le droit de le racheter quand il le jugera à propos; d'un autre côté, il y aurait injustice à faire payer immédiatement au censitaire, un capital dont il est obligé de payer seulement l'intérêt. Sans commettre d'injustice, la législature pourrait fixer la période de rachat de 20 à 25 ans.

Il y a un autre droit, que les seigneurs prétendent leur appartenir, et dont ils jouissent exclusivement, lequel a contribué plus que tout le reste à retarder l'industrie et à retenir le Bas-Canada dans un état arriéré en retenant entre les mains des seigneurs les immenses pouvoirs d'eau qui sillonnent cette partie de la province d'une extrémité à l'autre. Ce droit a produit un monopole funeste. Certains comme ils l'étaient que personne ne pouvait les utiliser, les seigneurs n'ont exploité qu'une bien faible partie des avantages qu'ils possédaient, en les cédant; et ce peu qu'ils ont fait, les censitaires l'ont payé bien cher, soit en ne recevant pas la valeur de ce qu'on leur fait payer, soit parce qu'on les prive de ce dont ils ont besoin.

Tandis que les localités libres qui avoisinent les seigneuries du Bas-Canada, sont couvertes de moulins et de manufactures de toute espèce, les magnifiques pouvoirs d'eau de ces seigneuries sont demeurés nuls jusqu'aujourd'hui. Beaucoup d'objets, qui pourraient être manufacturés, demeurent dans l'état brut et sans valeur, à cause des entraves du système seigneurial. Tantôt c'est un seigneur qui se refuse à toute cession des pouvoirs d'eau, tantôt c'est un autre qui exige des prix si élevés, que l'homme le plus industrieux ne peut subvenir aux besoins de sa famille, et se trouve forcé de s'ex-patrier afin d'utiliser ailleurs ses talents naturels.

Le bill tel que proposé, fait disparaître, il est vrai, ce qu'il y a de plus odieux, en mettant à la compétition les rivières non navigables, mais il reste encore une tâche sur la mesure. Les droits réservés aux seigneurs de forcer les censitaires de porter une certaine quantité de grains au moulin banal, et aux censitaires de forcer les seigneurs de faire des moulins et de les tenir en bon ordre, (les dispositions ayant rapport aux moulins banaux sont retranchées,) sont des droits plus propres à enrichir les avocats que les seigneurs et les censitaires. Dans l'intérêt de toutes les parties, il faut en finir avec ce droit de banalité, et décharger pour toujours les censitaires de toutes les prestations seigneuriales.

Cependant, si on ne peut s'accorder sur l'abolition de toute la tenure, on ne peut refuser une mesure qui l'abolirait entièrement moins le droit de faire moudre le peu de grain nécessaire à la consommation de la famille du censitaire (sic).²⁷

MR. COM. PUB. WORKS CHABOT dit qu'il n'y a aucune unanimité dans les opinions sur ce sujet; mais tout le monde veut que la Tenure soit abolie, et on doit législater non pas d'après le jugement de chaque législateur, mais selon la volonté du peuple, et de manière à ce que la loi qui sera passée puisse être mise à exécution. Pour sa part, il croit que le bill du Procureur-général rencontre les vues des deux partis, car il permet aux censitaires dans chaque seigneurie de commuer toutes les terres s'ils le veulent faire. Si en effet, la majorité du peuple est en faveur de la commutation forcée, sans doute on profitera de cette disposition du bill; mais ce n'est pas parce que les censitaires de Montréal veulent cette commutation qu'il faut l'imposer aux autres qui n'en veulent point. Dans la seigneurie de Lauzon, quoique la commutation puisse se faire aux conditions les plus faciles, il n'y en a presque pas. Et dans le district de Québec la majorité des censitaires n'est pas en faveur d'une commutation forcée ni d'un rachat immédiat ou par terme de paiement, car il y a des seigneuries où les lods ne sont pas payés une fois par année, et il y a des propriétés qui n'en ont point payé depuis deux cents ans. Quant aux membres pour Montréal et des deux divisions du comté de Montréal, leurs électeurs ne sont nullement intéressés dans la question; leurs rentes n'ont pas été augmentées, et la commutation chez eux se fait à des conditions très avantageuses.²⁸ He held that the right of banality only required the censitaire to grind the grain he required for the use of his own family at the Seignior's mill, and that other grains he might get ground where he pleased, but on the other hand he recognized the right of the Seigniors to receive lods et ventes on all the ameliorations in their censives.²⁹

MR. MARCHILDON [spoke]³⁰.

MR. THIBAudeau declared himself against the principle of a forced abolition of the tenure.³¹

MR. BOURASSA assure la Chambre que tous les censitaires de son comté sont en faveur d'une commutation immédiate sans néanmoins s'attendre à payer immédiatement. Il est bien certain que dans le sud du district de Montréal, où le censitaire est chargé d'une rente extraordinaire, on ne veut point qu'il reste aucune trace du fardeau que nous portons depuis longtemps. Si l'hon. Procureur-général abolissait le droit de banalité et changeait quelques autres clauses de son bill, il y a toute raison de croire que les droits seigneuriaux pourraient disparaître en très peu d'années. Personne ne veut dépouiller les seigneurs, mais tous demandent qu'on en finisse et que quinze ou vingt ans seraient suffisants pour payer toute indemnité. Si comme vient de le dire

l'hon. Inspecteur des Travaux Publics, il y a des seigneuries où l'on n'a pas payé de lods depuis un siècle ou deux, il est clair que dans de telles seigneuries le coût du rachat serait très minime puisqu'ils ne sont tenus par ce bill de payer que la moyenne des dix dernières années. Il voudrait être aussi heureux dans son comté que là où il n'y a pas eu de lods depuis cent ans; on se rachèterait promptement. Il est convaincu que la majorité des électeurs de Chambly, Rouville, Napierville, Iberville et St. Jean, sont en faveur d'une abolition immédiate. Pour sa part, il est prêt à voter pour une loi d'abolition entière car il pense que c'est ce qui rendrait le plus de services au pays. Il votera donc pour l'amendement (de M. Dorion.)³²

MR. AT. GEN. DRUMMOND suggested that the amendment should be withdrawn, as the details of the measure could best be discussed in Committee, and the hon. member for Montreal and his friends would have an opportunity of recording their views on the Journals of the House, when the question of concurrence in the Committee's report was put.³³

MR. A. DORION said his amendment affected the principle of the Bill, and was connected with the question whether the immediate abolition of the Tenure was desirable or not. This important question, he considered, should be discussed, at as early a period as possible before the Bill went into Committee, and he could not therefore consent to withdraw his motion.³⁴

MR. SANBORN desired a settlement of this question in the interest of the whole country, and for that reason he was in favor of forced commutation. It appeared that some gentlemen gave too much weight to the opinions of their constituents on this question, and these were interested parties. The House, he thought, ought rather to act as a judge; and as it was desired that the whole country should mix itself up with the difference between censitaires and seigniors, it was desirable that an arrangement should be made in the general interest. Nothing less than the entire abolition of this tenure would comport with this. The difficulties in the way of this that some conjured up, he thought were only imaginary, for he saw in the townships that men of the same origin and habits as the habitans of Seigniories, have bought and paid for farms at prices twice as high as would be necessary for the purchase of Seigniorial rights; and these men made their payments in a short time. The pretension that the censitaire could not buy off the Seigniorial rights, showed how much the feudal tenure destroyed the vital energies of a people. This, with him, was a reason for abolition of the tenure; but his principal reason was that the only justification of paying money from the consolidated revenue was the ridding of the country from the tenure.³⁵ Autrement on ne paiera que pour arranger une question de propriété. Il admet qu'il n'y a qu'une paille entre le plan du Procureur-général et celui du membre pour Montréal; mais cette paille-là pèserait sur le peuple, et il veut l'en décharger; car il connaît les habitudes des censitaires, et il sait que leurs sympathies et leurs moeurs sont en accord avec cette mesure, de sorte que quand on les aura soulagé[s] des inconvénients les plus graves, ils se contenteront bien du reste.³⁶

MR. TERRILL.--For his own part held views similar to those stated by the hon. member who had just sat down, but he could not vote for the amendment of the hon. gentleman from Montreal. He believed that members must be guided by the wishes of their constituents, and he thought the Government should be the best judge of how far it could go. The Attorney General should receive all the suggestions possible, and make any amendments be (sic) deemed safe in committee.³⁷

MR. BOWES suggested that the extent of the indemnity (*sic*) that would be required from public sources for the extinction of the Seigniorial duties should be named. If, the exact amount could not be ascertained, then an approximation should be made and the amount which was now variously estimated at from £60,000 to £1,000,000, fixed. Let it be said that the sum to be taken out of the consolidated fund should not exceed £500,000. Unless this were done he must oppose the bill.³⁸ He dare not vote for a grant that might amount to £500,000 or £1,000,000. He hoped that some of the members of the Government would give them precise information yet.³⁹

MR. PROV. SEC. CHAUVEAU ... spoke ... in French⁴⁰. [Il] fait remarquer que dans la dernière session du parlement, M. Badgley a fait une proposition semblable à celle qu'on a faite aujourd'hui; mais cette proposition a été repoussée par une grande majorité de la Chambre. Il est vrai qu'aujourd'hui quelques membres de l'autre côté proposent de prendre une somme de £750,000 dans la caisse publique, et un tel plan peut faire goûter au peuple cette commutation immédiate qu'il repousserait dans tout autre cas. Mais il n'est pas facile de réaliser ce projet, car la province se compose de deux provinces qui se gouvernent par des compromis continuels. Aussi il doute fort que les messieurs de l'autre côté puissent faire mieux pour améliorer le système de Tenure, ou les autres institutions Bas-Canadiennes, que ne font aujourd'hui les ministres actuels;--et cela nonobstant les assurances qu'ils donnent au peuple qu'ils lui feraient obtenir tout pour rien. Si, comme on le dit, la majorité des censitaires est en faveur d'une commutation immédiate, la loi leur donne le pouvoir d'accomplir cet objet. On ne pourrait imposer aux autres une liberté dont ils ne veulent pas, qu'au moyen d'un despotisme illimité. Le système seigneurial existe depuis la première colonisation du pays; c'est à l'ombre de cette institution que le peuple canadien a grandi; ainsi faire payer d'un coup la commutation des terres, serait imposer à ce peuple un fardeau dont le gouvernement bienveillant de la France avait en vue de l'affranchir. Il faut penser aussi que les seigneurs ne sont pas les seuls créanciers des censitaires, et les autres créanciers seraient ruinés aussi bien que les censitaires eux-mêmes, par les conséquences d'une commutation immédiate. I[1] admet que le district de Québec n'a pas autant de lumière que le district de Montréal (l'opposition applaudit)--oui le district de Québec n'a ni ne veut avoir les lumières nouvelles, et de cela vient peut-être que pas un seul membre de ce district n'est en faveur d'une commutation compulsoire. Une commutation compulsoire pourtant dont le paiement n'est pas immédiat n'est pas autre chose que celle qui serait décrétée par le bill du Procureur-général.⁴¹

MR. DEWITT s'élève contre le système seigneurial parce qu'il tend à opprimer les libertés populaires. Le censitaire doit payer un douzième de toutes ses améliorations chaque fois qu'il vend sa terre, et il s'ensuit que ceux qui sont capables de faire des améliorations ne restent pas dans le pays. Il veut donc que la commutation soit compulsoire et immédiate, et il croit que sur une terre de quatre-vingt dix arpents un capital de 50 piastres payerait pour tous les droits du seigneur, hors de la rente. On doit donc se méprendre quand on prétend que les censitaires ne peuvent payer une telle somme dans vingt ans sans être ruinés. Il pense que dans la partie du pays d'où il vient, le peuple serait très aise de payer une telle somme ainsi divisée avec une rente de deux sous seulement par arpent, car aujourd'hui ils paient douze sous par arpent. Il ne veut dépouiller ni le seigneur ni le censitaire, et il croit qu'il serait très injuste d'exproprier le premier forcément et immédiatement, tout en faisant dépendre le paiement de l'indemnité de la volonté du second.⁴²

MR. J. DORION, de Drummond et Arthabaska. Ce n'est pas tous les jours que la Chambre s'occupe de questions aussi importantes que celle de la Tenure Seignuriale. Nous devons donc examiner froidement ce sujet sous toutes ses faces. Il faut se demander ce que l'intérêt public exige. Pour cela, il n'est pas besoin de faire l'histoire du régime seigneurial; de toutes les injustices qui peuvent avoir été commises; de tout le mal qu'il a et qu'il peut produire. Nous connaissons tout cela, mais il faut un remède au mal et le projet qui nous est soumis n'est pas suffisant pour la grandeur du mal. Je n'hésite pas à le dire, rien moins que l'abolition ne satisfera aux besoins actuels du pays et partant de ce point, convaincu que l'abolition est dans l'intérêt public, il ne me reste qu'à examiner les moyens d'amener à l'abolition de manière à améliorer la condition actuelle des censitaires et à donner au pays l'élan vers un état de prospérité inouï jusqu'à ce jour.

On s'effraye ou l'on feint d'effrayer le pays, avec ... les mots de commutation forcée, comme si la chose n'était pas praticable et devait entraîner la ruine du pays. Il n'y a pas lieu de s'effrayer ainsi, l'abolition immédiate pourrait s'accomplir facilement avec un peu de bonne volonté. Qu'est-ce donc, que cet[te] abolition? Toutes les seigneuries ou tous les droits des seigneurs que l'on veut faire disparaître, de l'aveu de tous, ne dépasseraient pas la valeur de £1,500,000 et l'on conviendra que c'est une bien petite valeur comparée à la valeur totale de toutes les propriétés du Bas-Canada, sous la Tenure Seignuriale.

Que l'on vote une somme, à même le fonds consolidé, de £500,000 pour aider au rachat des droits des seigneurs et la chose devient facile. Il pourrait citer bien des calculs ici pour faire voir que loin de s'effrayer de l'abolition ou de chercher à enrayer les autres, on trouverait l'abolition praticable et nullement dangereuse pour les censitaires.

Que serait le rachat des rentes une fois réduites à deux sous? Le capital n'en serait que de \$25 pour une terre de 90 arpents, et il est convaincu qu'avec deux autres sous par arpent on achèterait tous les autres droits d'une terre dont la valeur serait de £250. Cela ferait \$50 à payer pour libérer la propriété d'un censitaire. Donnez aux censitaires 15 ans ou 20 ans pour se racheter comme on le propose et qu'on me dise s'il y a de quoi s'effrayer? Si vous croyez gêner les censitaires en les forçant à payer cette somme en un seul paiement, faites payer chaque année un peu plus que l'intérêt légal du capital à racheter et dans vingt ans il aura payé le capital et les intérêts. Croyez-vous que le censitaire n'aimera pas autant s'imposer un petit sacrifice, s'il le faut pour se débar[r]asser de la tenure, vendre le sol qu'il habite libre, lorsqu'il aura la certitude que dans quelques années, et de suite s'il le peut, il n'y aura plus de rentes ni aucun de ces droits qui taxent l'industrie des censitaires, qui gênent les améliorations et empêchent l'établissement de manufactures et usines pour donner de l'emploi au surplus de la population?

Prenant la seigneurie de Terrebonne pour un autre exemple, il sera facile de faire voir que les censitaires ne seraient pas ruinés, mais au contraire soulagés par l'abolition immédiate. Cette seigneurie est une des plus riches du district de Montréal. Elle est estimée à £42,000 et il est reconnu généralement que le domaine, le manoir et les moulins valent au moins un tiers de la seigneurie. Les seigneurs de Terrebonne ne vendraient point leurs moulins pour £20,000, mais admettant cela, il resterait donc £22,000 de droits seigneuriaux à racheter. Otez un tiers que le gouvernement paierait d'après ce plan et il restera environ £14,000. La valeur des propriétés foncières de la seigneurie de Terrebonne est estimée à £200,000. Répartissant les 14,000 sur cette somme, cela ne ferait que cinq pour ... cent sur la valeur de la propriété,

ou \$100 pour chaque terre de £500⁴³, or \$50 of each farm of £250⁴⁴. Il dit que ces calculs ont été faits avec soin et que s'ils sont exagérés, ils le sont plus en faveur du seigneur qu'autrement. Par ces moyens, les censitaires, dans la plupart des cas, ne paieraient pas plus annuellement qu'ils ne paient aujourd'hui. La tenure serait abolie, ou en finirait de suite avec un système qui de l'aveu de tout le monde ne convient plus à notre époque et force une foule de jeunes gens à s'expatrier faute d'emploi. Il ne peut voir aucune objection à ce que l'on en finisse une bonne fois pour toujours, si la Chambre veut mettre la main dans le coffre public comme elle le fait tous les jours pour des objets d'une moindre importance.

Le seul obstacle formidable qui puisse se présenter, c'est la mauvaise volonté des ministres du Bas-Canada, ou leur faiblesse, leur manque de courage et d'énergie quand il s'agit de défendre les droits du Bas-Canada.⁴⁵

MR. PROV. SEC. CHAUVEAU.--Ecoutez, écoutez!⁴⁶

MR. J. DORION continue.--Oui, je n'entrevois pas d'autres difficultés. On dit que les membres du Haut-Canada et des townships ne voudront pas voter d'argent pour cet objet, mais n'en a-t-on (sic) pas entendu un grand nombre ce soir même nous dire qu'ils voteraient une somme raisonnable pourvu que ce soit pour en finir totalement?

Si l'on s'informait des dépenses encourues depuis l'Union par la Chambre pour régler cette question, on trouverait que ces dépenses suffiraient pour racheter presque tous les droits seigneuriaux que l'on veut abolir.

Par le bill actuel, les commissaires et autres coûteraient encore des sommes énormes et la tenure existera[it] dans un siècle. Quant à l'abolition immédiate, la grande majorité l'accepterait avec joie si la Chambre votait une certaine somme pour aider au rachat. Il serait très facile de faire comprendre l'utilité de la mesure aux censitaires. Ne doit-on pas législater pour le bien public ou doit-on se courber devant les préjugés qui peuvent s'élever dans certains comtés? Il faut être au-dessus de ces petites misères et s'efforcer de faire comprendre au peuple que c'est dans son intérêt. Et ne froisse-t-on pas les sentiments du peuple tous les jours par des lois diverses comme celle des écoles, et cependant il n'y en a pas un qui voterait contre dans cette Chambre.

S'il fallait faire des discours aux habitants comme il en a été fait ici ce soir, pour leur dire qu'ils seront ruinés par l'abolition, qu'ils auront £40 et £50 à payer immédiatement pour se racheter, il est bien certain que le peuple serait contre.

Avec un semblable langage nul doute que les habitants n'en voudraient pas et l'on prétend qu'il n'est pas vrai que le district de Montréal désire l'abolition, mais il ne faut pas aller dans le district pour le savoir. On peut le savoir sans cela. La question d'abolition est déjà venue devant la chambre sur la réponse au discours du gouverneur. Eh bien! 14 représentants des seigneuries du district de Montréal ont voté pour l'abolition et 9 seulement contre. On ne peut nier ce fait consigné dans nos procédés.

Il ajoute que le gouvernement vote bien £30,000 pour encourager une ligne de bateaux à vapeur entre Québec et Liverpool, non pas pour encourager le commerce général du pays, mais bien le commerce d'articles de luxe et il demande pourquoi il y a tant de répugnance à voter une somme pour soulager la masse des habitants du Bas-Canada et faire prospérer le pays, surtout quand il y a un excédant de revenu de £400,000.

Il termine en disant que le bill actuel ne satisfera pas le peuple et ne sera pas final. L'agitation se continuera. Les censitaires diront qu'ils ont

obtenu quelque chose et ils recommenceront une agitation formidable qui coûtera cher au pays jusqu'à ce qu'il soit finalement débarrassé de la tenure. Il faut en finir et il votera pour l'amendement.⁴⁷

MR. FELTON defended the government bill; and opposed the adoption of the instruction moved by Mr. Dorion.⁴⁸

MR. GALT croit qu'il doit être évident pour toute personne sensée qu'il n'y a qu'un cas où l'on peut justifier l'intervention de la Chambre dans les question[s] qui regardent la propriété particulière: c'est celui d'une nécessité extrême.

Un tel cas peut induire la législature canadienne à se mêler des droits des propriétaires et des tenanciers comme des circonstances semblables ont amené d'autres législatures à le faire. Mais alors il faut que le mal soit aboli une fois pour toutes, et entièrement, pour que les habitants, par tout le pays, soient mis sur un pied d'égalité.

Le membre pour Compton a déjà fait valoir cet argument. Mais le bill dont il s'agit ne remplit pas ces conditions. En effet l'intention est très bien exprimée dans la titre qui dit que c'est pour définir et limiter les droits seigneuriaux. Il habite dans le voisinage des seigneuries et il sait que la principale raison qui induit les Canadiens à aller s'établir dans les townships, c'est le désir de se soustraire au joug de la tenure féodale. Comme il y a encore des milliers d'arpents de terres incultes dans les seigneuries, il est certainement à désirer que cette émigration soit arrêtée. Le bill le ferait jusqu'à un certain point, mais il veut que le système soit entièrement détruit. On ne doit demander à l'autre partie de la province de venir en aide au Bas-Canada, que si l'intérêt général se trouve en jeu, et on ne peut le faire si on ne propose de mettre les propriétaires du Bas-Canada dans la même position que les propriétaires du Haut-Canada. Dans ce cas, il croit que l'appropriation des deniers publics pour aider les censeurs à indemniser les seigneurs sera parfaitement juste. On accorde tous les jours de fortes sommes pour les ouvrages propres à développer les re[s]-sources du pays; et le développement de prospérité qui doit suivre la passation de ce bill, est une amélioration digne de la libéralité de la Chambre. Mais il répète que cela ne doit se faire que pour opérer une abolition complète, et qu'il serait extrêmement injuste de grever le trésor public seulement pour réduire les rentes particulières des personnes qui ne veulent rien faire pour abolir le système qui nuit au pays en général. Outre cela, on ferait grand tort au seigneur en lui ôtant une partie de sa propriété, tout en le laissant dans la nécessité de maintenir l'établissement qu'il avait lorsque ses revenus étaient plus considérables. Par exemple, la seigneurie du Major Campbell se compose de 10,000 arpents, et il peut bien tenir un bureau pour percevoir tous les droits qui lui appartiennent; mais réduisez ces droits à deux sous par arpent et cet établissement serait peut-être une perte. Il s'oppose, de plus, à cette partie du bill qui excepte de son opération les seigneuries de St. Sulpice et celles de la couronne; et il croit qu'il y a une immoralité dans la manière dont on pousse les membres des deux sections de la province à appuyer ce projet de loi, conjointement avec l'autre projet qui concerne les Réserves du Clergé. Il est très clair qu'une telle manière n'est basée sur aucun principe. Pour sa part, il a déjà dit qu'il approuve l'octroi d'argent pour les objets définis dans ce bill; mais il veut que chaque question soit décidée d'après ses propres mérites, et non pas parce qu'il y a une autre mesure qu'on approuve.⁴⁹

MR. DARCHE [spoke] ... in French.⁵⁰ Ayant consulté ses électeurs, [il] se croit autorisé à insister sur l'abolition immédiate de la tenure. Son objet n'est pas de dépouiller les seigneurs d'un sou qui leur appartienne; mais il ne veut pas non plus leur donner plus qu'ils ne doivent recevoir selon l'arrêt de 1791, c'est-à-dire deux sous par arpent. Les lods et ventes, suivant lui, ne doivent être payés que sur le pied d'une année moyen[ne] déterminée d'après les revenus de dix ans. Il est fâché du différend qui existe entre les membres du Bas-Canada, et pense qu'on a mal jugé les membres du district de Montréal. Pour lui il est toujours prêt à appuyer le ministère quand il propose une bonne mesure.⁵¹

MR. CHAPPAIS [spoke] ... in French.⁵² [Il] croit que l'abolition immédiate de la tenure est mieux que le plan proposé dans le bill qu'a introduit le Procureur-général; mais la question maintenant est de savoir ce qu'on doit faire de cette mesure-là. Il trouve que la latitude qu'il donne aux censitaires empêcherait la commutation, mais de l'autre côté, il sait qu'une majorité du pays n'est pas en faveur d'une commutation et pour cela il votera contre l'amendement, quoiqu'il le confesse avec regret, il eût mieux aimé le plan de son ami le membre pour Rimouski, qui aurait eu le mérite d'opérer une abolition immédiate au moyen d'une indemnité payable dans un certain nombre d'années, et consistant en un paiement annuel de deux sous pour la rente, deux sous pour toute redevance, et deux sous pour former un fonds d'amortissement. Il ne blâme pas le bill du Procureur-général, mais il trouve qu'il est défectueux, et il veut surtout purger le bill des clauses qui ont rapport à la création d'une commission. Il craint les commissaires, ayant devant les yeux les oeuvres de certains autres commissaires dont l'enquête a coûté à la province une somme excédant celle qu'ils décidèrent que la province devait payer.⁵³

MR. S. SMITH (Northumberland) dit que la question n'est pas de savoir ce que les censitaires doivent payer légalement aux seigneurs--ce qu'on ne doit pas certainement décider ici.⁵⁴ [He] thought it was the duty of the people of Upper Canada to insist in bringing to an end this, the greatest social grievance that existed in Lower Canada. Hon. members from Lower Canada had come forward to assist them in putting an end to the greatest social grievance existing in Upper Canada, and he thought they should perform for them the same kindly office. If it was proved that a great evil existed in Lower Canada which required a remedy, he for one was ready to vote from the public treasury ample means of putting an end to it, provided the evil was entirely removed by a total abolition of the Tenure.⁵⁵ Il pense toutefois que l'amendement dont il s'agit doit être soumis au comité, et non pas en la manière qu'il a été proposé par le membre pour Montréal.⁵⁶

MR. LORANGER considère la discussion prématurée, avant que le bill soit devant le comité général; il votera donc contre. Il est convaincu que la majorité du district de Montréal est en faveur de l'abolition immédiate de la tenure; mais il est tout aussi assuré que la majorité du pays y est opposée.⁵⁷

MR. FERRES was in favour of the immediate abolition of the Tenure, but, in view of the immense labor that the bill of the Attorney General must have cost, he dare not put it in danger by voting for the amendment. Nevertheless, if the hon. member for Montreal would bring forward in committee a practical scheme to give effect to his proposition, he (Mr. F.) might give it his support. The greatest evil of the present system was lods et ventes, but another

scarcely less inferior was the division and sub-division of lands that was encouraged by the paying of lods et ventes in the case of a sale.⁵⁸ Dans le comité⁵⁹ he wished to draw the special attention of the Attorney General to the state of the Seignior of St. Armand, in the County of Missisquoi, where the inhabitants, for all Seigniorial rights, only pay one shilling per hundred acres; yet the people desired to disembarass themselves of that charge which they looked upon as a badge of servitude. He must say that, from the Clergy Reserves and Seigniorial Tenure Bills, the Eastern Townships did not receive that justice to which they were entitled at the hands of the Government. The Clergy Reserves were, in Lower Canada, entirely situated in the Townships, and the Seigniories had no interest in them. Yet it was proposed to give the Seigniories interest in the Reserves, while the Townships were forced to pay an indemnity to the Seigniors that they had nothing whatever to do with, and from which they would not receive one sou. He approved of the appointment of Commissioners as a cheap and expeditious mode of arranging the differences between Seigniors and Censitaires. He considered it a much cheaper mode than going to law.⁶⁰

MR. FERRIE objected to giving the public money to settle the question, unless there was a provision that within some specified time it should be finally settled. The sum to be paid as an indemnity, and the sum to be paid as remuneration to the Commissioners, and also the time within which they should wind up the matter, should be determinately fixed. (Hear, hear.)⁶¹

MR. FREEMAN condamne le plan que le gouvernement a adopté pour faire passer les deux mesures des Réserves et de la Tenure qui est de mettre l'une contre l'autre; et ainsi de forcer les membres du Haut-Canada à donner leur assentiment au projet dont il s'agit ce soir, pour avoir en retour la passation du bill des Réserves. Une autre chose qu'il ne comprend pas du tout, est comment il peut être juste de faire payer l'indemnité nécessaire pour réduire les rentes seigneuriales à des hommes qui ont déjà payé la pleine valeur de leurs propriétés, argent comptant. Ces rentes aussi sont très petites. Deux sous, quatre sous, douze sous par arpent, qu'est-ce que cela pour un homme industriel pour le soustraire à la Tenure Seigneuriale. Donner à des hommes pareils les moyens de se débarrasser des obligations qui devront stimuler leur industrie, ce ne serait que les rendre encore moins énergiques. Ensuite, comme le bill des Réserves, ce bill ne met fin à rien; il ne fera que rendre plus aisée la position de l'habitant, et ainsi lui ôtera le désir de commuer la Tenure sur sa terre. Pour ces raisons il pense qu'aucune somme devrait être prise à même le trésor public pour payer l'indemnité. D'ailleurs le projet de loi est très inconséquent, car dans les premières clauses il déclare que le seigneur n'a pas droit de demander plus que deux sous, et ensuite il déclare qu'il est juste de prendre, à même les revenus publics, une somme d'argent pour payer aux seigneurs la valeur des exactions dont on va les priver, en cas que les juges décident que les seigneurs sont bien fondés à exiger ces rentes.⁶²

MR. POST. GEN. SPENCE, in reply to the remarks of the hon. member for Wentworth (Mr. Freeman) said it was unjust to the government and unjust to the gentlemen from Upper Canada who were prepared to come to the aid of their Lower Canada friends, to relieve Lower Canada from a great evil, to say that there had been any unworthy compromise entered into. He denied that in the conducting of the Clergy Reserve and Seigniorial measures any such unworthy compromise had been made. It was strange that because these two measures were being proceeded with side by side, the suspicions of the hon. member for

Wentworth should have been aroused.--He could not see why the present session should not be distinguished by the carrying of two great measures, affecting in the highest degree the social prosperity of both sections of the country.⁶³

MR. HINCKS said it was evident to any one who had studied the subject now under the consideration of the house that the hon. member for South Wentworth (Mr. Freeman) had not paid any very great attention to it. When he said that it was a most unreasonable thing for the State to come to the relief of those parties, and that if they were to be emancipated, from their burdens they ought to bear the expense themselves, he showed that he did not at all understand the subject. For, according to the bill of the Attorney General, the Censitaire was made to bear all the burden that could be rightfully thrown upon him, and it was only in reference to the cens et rentes that a commutation was to be provided at the expense of the State, it being the opinion of a vast number of persons of the highest legal standing, that the rents now exacted by the Seigniors are illegal and improper. This evil had arisen because after the conquest no tribunal existed in the country competent to give relief to the public by preventing the imposition of more than the customary rents. That was the evil with which it was now absolutely necessary to deal, in a manner just both to the Seignior and the Censitaire.⁶⁴ On veut donc donner à un tribunal le pouvoir de déterminer cette question d'une manière légale. Alors si ce tribunal décide que le seigneur a droit de recevoir des rentes élevées, on l'indemniserà pour cette partie de sa perte qui vient de la réduction de sa rente, parce que la société devait pourvoir à ce que les lois anciennes fussent conservées, et si elle ne l'a pas fait, elle n'en doit laisser souffrir ni le seigneur ni le censitaire.⁶⁵ He (Mr. Hincks) was prepared to deal with the question in a liberal spirit, and was probably disposed to go farther in that matter than the majority of Upper Canada members. He did not like, in questions of this sort, to be always endeavouring to strike an exact balance as to the expenditure of money between the two sections of the Province, but, as he had said would approach them in a liberal spirit.⁶⁶

MR. CAUCHON [spoke] ... in French.⁶⁷ [Il] aurait mieux aimé une autre manière de régler cette question. S'il avait été appelé à dresser un plan, il aurait fait évaluer chaque seigneurie et puis toutes les seigneuries. Du moment de toutes les évaluations, il aurait pris un tiers à même le trésor public. Cette somme il l'aurait distribuée entre chaque seigneurie de telle manière que chaque censitaire aurait reçu le tiers de la somme qu'il aurait dû payer au seigneur pour s'acquitter des charges seigneuriales. Les autres deux tiers auraient été à la charge des censitaires, en les faisant commuer immédiatement, moyennant un fonds d'amortissement qui aurait réparti le capital en plusieurs paiements annuels. Ce plan aurait l'avantage de distribuer l'argent également entre toutes les seigneuries, au lieu de le donner, comme par le bill devant la Chambre, aux habitants de quelques seigneuries où on paie des rentes élevées. Il aurait donné le tiers de suite; et les deux autres tiers auraient été payables dans 15 ans, ce qui n'aurait été que peu de chose en comparaison de ce que les habitants paient aujourd'hui. Quant aux rentes il aurait remis la détermination de toutes les questions à un tribunal qui existe, ou qu'il aurait créé, et après qu'une décision aurait été prononcée, la législature aurait été débarrassée de cette difficulté. D'après le bill actuel la Tenure continuera à exister pendant un tems indéfini, et il aurait certainement préféré que l'abolition fut immédiate; mais comme on ne peut suivre l'opinion de tout le

monde, et comme dans notre système gouvernemental l'initiative appartient à l'administration, il croit qu'il a rempli son devoir en exprimant son opinion, et il en laisse la responsabilité au ministère.⁶⁸

MR. MONGENAIIS [spoke] ... in French.⁶⁹ [Il] dit que si on abolissait la Tenure de suite, ce serait pour soulager ceux qui paient des rentes trop élevées, et il ne voit aucune raison pourquoi le pays paierait pour ceux qui aujourd'hui même ne souffrent rien. Ainsi il n'aime pas la proposition de M. Cauchon de distribuer les deniers publics entre toutes les seigneuries. Quant à la question de la commutation immédiate, forcée ou volontaire, il demande quelle serait la position des censitaires de Vaudreuil, s'ils étaient obligés de commuer de suite? Plusieurs de ces censitaires doivent au seigneur pas moins de cent louis chaque; le seigneur pourrait les poursuivre par centaines, et en les faisant vendre leurs propriétés et en les achetant il pourrait devenir propriétaire de la plus grande partie de la seigneurie.⁷⁰

MR. CAUCHON.--N'a-t-il pas aujourd'hui le pouvoir de faire vendre la propriété de ses débiteurs?⁷¹

MR. MONGENAIIS.--Mais ses créances seraient augmentées de suite par une commutation immédiate forcée. Dans tous les cas, les habitants de son comté sont presque tous opposés à la commutation forcée. M. Mongenais finit en disant qu'il aurait mieux aimé le bill s'il eût pourvu à ce que la banalité fut entièrement abolie, et en assurant que le calcul du membre pour Drummond, des valeurs des droits seigneuriaux, est entièrement erroné. Au lieu du \$50 par terre, il donnerait volontiers \$100.⁷²

MR. FOLEY complained that the discussion all the evening had taken place in the French language⁷³. [He] said that the Upper Canada members had been given to understand that they were wholly ignorant of the merits of the case. If that were correct, he thought those members of the Government who spoke the English language might have condescended so far as to enlighten their ignorance. (Hear, hear.) The honorable Postmaster General, instead of rising to explain the question, had made a personal attack on the honorable member for South Wentworth, (Mr. Freeman.) who, he said, had placed himself in a false position. He would beg to remind the Honorable Postmaster General of an old adage that those who lived in glass houses should not throw stones. (Hear, hear.) So far as regarded the question before the House, he (Mr. Foley) understood it sufficiently to enable him to give his vote in accordance with what he conceived to be principles of right and justice.⁷⁴ Quoique les membres du Haut-Canada soient ignorants de quelques détails de cette Tenure,⁷⁵ he and other honorable members from Upper Canada were prepared to assist in applying a remedy to the great social evil under which Lower Canada laboured, but in doing so, they were not prepared to vote blind, and until he received a clear estimate of the probable expense, and satisfactory evidence that it would put an end to the evil, he was not disposed to vote an unlimited amount of the public chest.⁷⁶ Peut-on après l'avoir fait retourner vers ses constituants et leur dire: Je ne sais combien j'ai donné, mais je me suis remis entre les mains du ministère. Le principe du bill ne justifie pas un tel procédé. Il n'abolit pas une nuisance. Eh bien! on a eu trop de cette espèce de législation.⁷⁷ If the Bill passed in its present shape, he believed it would excite a strong feeling of indignation throughout Upper Canada. The people of Upper Canada would never consent that their representatives for the sake of securing the settlement of the Clergy Reserves question, a thing just and right in itself, should vote blind for an unlimited amount of money to be

devoted to the Seigniorial question and yet not to settle it finally after all.⁷⁸ La question des Réserves du Clergé a été réglée il y a quatorze ans, et néanmoins elle est encore une occasion de trouble. Après avoir réglé la Tenure, le Haut-Canada sera taxé une seconde fois pour la régler encore. Il veut en finir une fois pour toutes. Il ne veut mettre ni les seigneurs ni les censitaires entre les mains d'aucun gouvernement quelconque, et il est convaincu que le pouvoir arbitraire des commissaires qui seront les maîtres absolu[s] des fortunes de ces deux classes, et seront eux-mêmes les serviteurs du gouvernement, sera un danger très grave pour le peuple. Au lieu d'être émancipés, les censitaires seront soumis aux influences corruptrices du gouvernement agissant par des commissaires, et il faudra que le peuple du Haut-Canada vienne encore les soustraire à un nouveau joug.⁷⁹ He did not approve of the conduct of the government in making the one question dependent on the other.⁸⁰ Quelques-uns peuvent fermer les yeux sur la vérité, mais tout le monde sait que si ce bill n'est pas passé, le bill des Réserves sera rejeté aussi. On se sert du bill des Réserves pour menacer les Haut-Canadiens, comme on se sert du bill de la Tenure (sic) Seigneuriale pour menacer les Bas-Canadiens. Au lieu d'agir ainsi, chacune des mesures devrait dépendre des principes de la justice et de la vérité.⁸¹

MR. A. DORION (Montreal) suggested that the debate should be adjourned till Monday.⁸²

No! No! from the ministerial side.⁸³

MR. AT. GEN. DRUMMOND said he was very much opposed to the postponement of this matter, and was anxious that it should be advanced to the same stage as the Clergy Reserve Bill. He thought that any statesman who did not see the importance of the two measures proceeding together, would be entirely blind to his position, and he might say that the principal reason he had for consenting to the recent appeal to the country, was that he did believe that an appeal to the country was necessary on the Clergy Reserve question, but not as to the Seigniorial question, which was not to be decided by popular clamour, but on principles that were eternally and immutably right. The details of the Seigniorial Bill were so numerous and complicated that they could best be discussed in Committee.⁸⁴ Il a suggéré à son ami le membre pour Montréal de proposer l'ajournement, et il croit que dans le comité général il y aura moyen de changer le bill, si la majorité de la Chambre est vraiment en faveur de l'abolition immédiate.⁸⁵ He hoped that, if the Debate were postponed till Monday, gentlemen would come prepared to condense their observations, and that no time might be lost in unnecessary discussion. In regard to the finality of the present measure, he might say that the commutation it provided for came almost within a hairsbreadth of a full and final commutation. If hon. members wished to go further and have a clause introduced, declaring that after a certain day all the Seigniorial rents not commuted under the previous clause should be converted into constituted rents, he would say that he should not bring the influence of the Government to oppose such a proposition. He should state his reasons for considering that it would be unjust to the censitaire, but he knew that there was a strong feeling (sic) in favour of the proposal among the enlightened classes in the district of Montreal, and he would not bring the influence of the Government to bear against it. That, however, was a matter for future consideration, and could be provided for by the clauses which would not disturb the rest of the measure.⁸⁶

MR. A. DORION (Montreal) said he was happy to hear the closing remarks of

the hon. Attorney General, and he could assure him that he would find no opposition to the measure proceeding from himself and his friends which was not dictated by a regard to the interests of the censitaires and a sense of the duty they owed to their constituents.⁸⁷ [He] declared his willingness to withdraw his motion⁸⁸.

MR. BROWN also congratulated the hon. Attorney General on having arrived at a better view of the question.⁸⁹

MR. AT. GEN. DRUMMOND.--I consented to the same thing last session.⁹⁰

MR. BROWN félicite le gouvernement sur le changement qui s'est opéré dans ses opinions depuis le commencement de la discussion, et il peut dire depuis la dernière fois que ce bill avait occupé la Chambre. Dans le dernier parlement, le gouvernement s'est opposé fortement à ce principe, et a réussi à faire adopter ses vues par la Chambre. Ce soir même, quelques membres du gouvernement ont parlé contre le principe contenu dans la proposition du membre pour Montréal⁹¹. He hoped however, that after the remarks of the hon. Attorney General, that the government were now prepared to go honestly to work to get rid of the measure altogether. It was clear that the feeling of the country was in favour of a compulsory and final commutation, and unless the feeling of this House had been strongly expressed tonight in its favour, the Attorney General, it is evident, would not have made the concession he had. The hon. member for Montreal (Mr. Dorion) he was sure would receive the thanks of his country for having brought forward so pointedly the question of a final extinction of the Tenure, so as to draw out a clear expression of the views of hon. members on the subject. It was only for such a total extinction of the Tenure that hon. members from Upper Canada and from the Townships would be justified in voting any portion of Public money (hear, hear.)⁹²

MR. PROV. SEC. CHAUVEAU said, the hon. member for Lambton, who did not understand a word of French, had said the great majority of the French members had spoken in favor of compulsory commutation, while, in fact, they had nearly all spoken in favor of the present measure. There had not been returned at the last election a majority in favor of compulsory commutation.⁹³ [He] said it was only what was to have been expected from the hon. member from Lambton, that, in reply to the Attorney Generals remarks, he should have thrown out a taunt and a boast,--a taunt to the Government for yielding to the opposition, and a boast that the concession was the result of the strength brought to the subject by the members for Montreal. Both were unfounded, for last year the question of compulsory commutation was left an open question, and even now he denied that a majority of the House were favourable to it.⁹⁴ [He] remarked that the Lower Canada members were distrustful of all propositions offered by Mr. Brown, and that this distrust was not confined to the minister[i]al side of the House but extended also to the Rouges; as a proof of which he stated that Mr. Dorion had, within a week, repudiated Mr. Brown.⁹⁵

[MR. BROWN] with great violence, and in contempt of the ruling of the speaker, attempted to make some reply; but amid the vociferous cries of order it was impossible to hear any thing of what he uttered except that Mr. Chauveau was the last man who should make such accusations.⁹⁶ Shouts of "that's no explanation," arose; they were mingled with cries of "order", "chair," and clattering of box-lids⁹⁷.

MR. AT. GEN. J.A. MACDONALD exclaimed that Mr. Brown's conduct was disgraceful.⁹⁸

[MR. BROWN], putting on the airs of injured innocence, said he hoped the words would be taken down⁹⁹ by the Speaker or Clerk of the House¹⁰⁰.

MR. SICOTTE the SPEAKER tried in vain to keep order¹⁰¹.

MESSRS. HOLTON, SANBORN, and TERRILL several times rose to speak to order.¹⁰²

MR. BROWN said it was wrong and disorderly for the Attorney General to tell a member of that House that his conduct was disgraceful.¹⁰³

MR. AT. GEN. J.A. MACDONALD explained, but in his explanation he further condemned Mr. Brown.¹⁰⁴

MR. HOLTON said the speech of Mr. Chauveau was out of order.¹⁰⁵

MR. SANBORN said the Ministry wanted to have all the debate on their side, and choke off the Opposition--.¹⁰⁶

MR. TERRILL said Mr. Brown's taunt was very wrong in the first place, as when Mr. Drummond moved the second reading of the bill on Monday, he made the statement that if the House desired the entire abolition of the tenure the Government would not oppose it.¹⁰⁷

On motion of MR. A. DORION,¹⁰⁸

(276)

Ordered, That the Debate be adjourned until Monday next, and be then the first Order of the day.

(277)

Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Chauveau,

The House adjourned until Monday next.¹⁰⁹

APPENDIX: 3 NOVEMBER 1854.

[QUESTION AND ANSWER RE: ACCIDENT ON THE GREAT WESTERN RAILWAY.]¹¹⁰

MR. ROBINSON [asked a question.]¹¹¹

MR. PRES. EX. COUN. MACNAB said the Government had heard with great concern and deep regret of the recent lamentable accident on the Great Western Railway, the extent of which could scarcely be believed on the receipt of the first intelligence at the seat of Government, which unfortunately, however, had been fully confirmed by the more dull information since received. The Government had appointed a commission to proceed to the spot immediately and enquire and report as to that accident, and other accidents of a similar nature which had occurred on that railway. He might state also that at the head of the commission had been placed a gentleman well acquainted with such matters, and in no way connected with the Great Western Railway, Mr. Coffin, late Sheriff of Montreal.¹¹² The inquiry is to extend to other accidents on the same road.¹¹³

MR. ROBINSON said the accidents on that Railway were so frequent as to demand investigation.¹¹⁴

FOOTNOTES: 3 NOVEMBER 1854.

1. QUEBEC GAZETTE, 4 November 1854, in a commentary notes that the House met about 3:10 p.m. to receive petitions and handle routine business, which was "unusually light", so that in 15 minutes the House reached the list of motions. Few members were present, "only those who had business to transact". Mr. Langton was not in the House; Messrs. Powell and Galt, who had given notice of motions to put this day, were also absent.
2. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
3. IBID.
4. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard), which also notes: "Mr. Langton was not in his place".
5. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard), which also claims: "No notice was take[n] of this request."
6. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. Telegraph (MORNING CHRONICLE, 4 November 1854).
18. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
19. GLOBE, 11 November 1854.
20. IBID.
21. IBID.
22. LE PAYS, 11 November 1854. GLOBE, 11 November 1854, notes that "a good deal of discussion" occurred in French between "Messrs. Dorion, Masson, Poulin, Chabot, Marchildon, Thibaudeau, and Bourrassa".
23. LE PAYS, 11 November 1854.
24. IBID.
25. LA MINERVE, 18 November 1854.
26. LE PAYS, 11 November 1854.
27. LA MINERVE, 18 November 1854.
28. LE PAYS, 11 November 1854.
29. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
30. GLOBE, 11 November 1854.
31. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
32. LE PAYS, 16 November 1854, which states: "Quelques inexactitudes s'étant glissées dans le rapport du discours de M. Bourassa sur l'important sujet de la Tenure Seigneuriale, nous reproduisons ci-dessous un résumé plus complet de ce discours, dans la vue de rendre pleine et entière justice à ce monsieur, qui a toujours compté parmi les amis les plus ardents de l'abolition immédiate de la Tenu[re]-Seigneuriale. (ED.)" This same speech is translated and shortened in MONTREAL GAZETTE, 8 November 1854, (in Scrapbook Hansard). The speech that appears in LE PAYS, 11 November 1854, the original account of the debate, is as follows: "M. Bourrassa assure la Chambre que tous les censitaires de son comté sont en faveur d'une commutation immédiate sans néanmoins s'attendre à payer immédiatement, car il est bien

certain que dans le district de Montréal, où le censitaire est déjà chargé d'une rente extraordinaire, on ne veut point que le fardeau soit trop augmenté. Cependant il sait que le peuple désire fortement se voir débarrassé de la Tenure, une fois pour toutes. Si le Procureur-général voulait adopter cette voie, il y a toute raison de croire que les droits seigneuriaux pourraient être abolis après un certain laps de temps. Personne ne veut dépouiller le seigneur; mais tous demandent qu'on en finisse, et quinze ou vingt ans seraient assez pour payer tout. S'il est vrai qu'il y a des endroits où on n'a pas payé de lods dans deux cents ans, il est clair que dans ces seigneuries le coût du rachat serait très minime, et ne ruinerait personne. On voudrait être aussi chanceux dans sont comté, que là où il n'y a pas eu de lods depuis cent ans, car on se rachèterait bien promptement. Dans la seigneurie où il se trouve, on paye les lods et rentes bien plus fréquemment, néanmoins, les censitaires sont prêts à se racheter à tout prix. Il est convaincu que la majorité des électeurs de Laprairie, Chambly, Rouville, Napierville, St. Jean et de tous les comtés avoisinant[s] sont de cette opinion, quoiqu'il y en ait certainement qui s'y opposent. Il ne parle pas de Soulanges, parce que les censitaires de cette seigneurie sont peut-être si bien traités qu'ils ne désirent aucun changement; mais ce qu'il dit est vrai de la plus grande partie du district de Montréal."

33. GLOBE, 11 November 1854.
34. IBID.
35. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
36. LE PAYS, 11 November 1854.
37. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
38. TORONTO LEADER, 10 November 1854.
39. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
40. TORONTO LEADER, 10 November 1854.
41. LE PAYS, 11 November 1854.
42. IBID.
43. IBID.
44. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
45. LE PAYS, 11 November 1854.
46. IBID.
47. IBID.
48. TORONTO LEADER, 10 November 1854.
49. LE PAYS, 11 November 1854.
50. GLOBE, 11 November 1854.
51. LE PAYS, 11 November 1854.
52. GLOBE, 11 November 1854.
53. LE PAYS, 11 November 1854.
54. IBID.
55. GLOBE, 11 November 1854.
56. LE PAYS, 11 November 1854.
57. IBID.
58. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
59. LE PAYS, 11 November 1854.
60. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
61. GLOBE, 11 November 1854.
62. LE PAYS, 11 November 1854.
63. GLOBE, 11 November 1854.
64. IBID.
65. LE PAYS, 11 November 1854.

66. GLOBE, 11 November 1854.
67. IBID.
68. LE PAYS, 11 November 1854.
69. GLOBE, 11 November 1854.
70. LE PAYS, 11 November 1854.
71. IBID.
72. IBID.
73. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard).
74. GLOBE, 11 November 1854.
75. LE PAYS, 11 November 1854.
76. GLOBE, 11 November 1854.
77. LE PAYS, 11 November 1854.
78. GLOBE, 11 November 1854.
79. LE PAYS, 11 November 1854.
80. GLOBE, 11 November 1854.
81. LE PAYS, 11 November 1854.
82. GLOBE, 11 November 1854.
83. IBID.
84. IBID.
85. LE PAYS, 11 November 1854.
86. GLOBE, 11 November 1854.
87. IBID.
88. TORONTO LEADER, 9 November 1854.
89. GLOBE, 11 November 1854.
90. IBID.
91. LE PAYS, 11 November 1854.
92. GLOBE, 11 November 1854.
93. TORONTO LEADER, 10 November 1854. MONTREAL GAZETTE, 7 November 1854, comments: "Mr. Provincial Secretary Chauveau ... rose grandly, angrily, and portentously."
94. GLOBE, 11 November 1854.
95. TORONTO LEADER, 9 November 1854.
96. IBID.
97. MONTREAL GAZETTE, 7 November 1854.
98. TORONTO LEADER, 9 November 1854.
99. IBID.
100. MONTREAL GAZETTE, 7 November 1854.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. GLOBE, 11 November 1854.
109. MONTREAL GAZETTE, 8 November 1854 (in Scrapbook Hansard), notes: "the House adjourned at midnight."
110. Telegraph (MORNING CHRONICLE, 4 November 1854), indicates this was put "Before the motion for the Seigniorial Tenure bill was taken up".
111. GLOBE, 11 November 1854.
112. IBID.
113. TORONTO LEADER, 9 November 1854.
114. Telegraph (MORNING CHRONICLE, 4 November 1854).

PROPER NAME INDEX

INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, First Session, First Part, for the period covered in this volume, that is 25th September 1854 to 3rd November 1854 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

As explained in the Introduction to Volume XII, Part I, the subject Index for the entire volume will be contained in the final part.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnotes.

PROPER NAMES

A

Aikins, James Cox, 577, 713, 959.

Alleyn, Charles, 357, 368, 381, 386, 395, 400, 402, 408, 427, 430, 435, 486, 495, 559, 575, 686, 822, 848, 975.

B

Bell, Robert, 373, 374, 447, 710, 823, 932.

Bellingham, Sydney, 370f, 491, 511, 521, 524, 562, 619, 664-665, 695, 705, 755, 810, 843, 936.

Biggar, Herbert, 462, 723, 808.

Blanchet, Jean, 397, 682, 686.

Bourassa, François, 447, 554, 559, 602, 750, 847, 978-979, 992-993f.

Bowes, John George, 405, 467, 558, 569, 589-590, 642, 657, 675, 685, 715, 729, 775, 903, 906, 958-959, 959, 961, 962, 980.

Brodeur, Timothée.

Brown, George, 358, 359, 363-364, 365, 367, 368, 373, 375, 376, 384, 385, 386, 388, 389, 395, 396, 467, 468, 513, 551-552, 554, 558, 560, 568, 570, 573, 574, 575, 590-591, 593, 594, 596, 604-605, 606, 607, 608, 608-609, 609, 610, 611, 614, 614-615, 628, 629, 634-635, 635-636, 636, 637, 637-638, 638, 639-640, 652, 658, 659, 666, 668-669, 669, 670, 673, 675, 676, 684, 685, 694, 697, 698-699, 699, 700-701, 701, 702, 703-704, 705, 717, 718-719, 738-739-740-741, 744, 757, 757-758, 758, 759, 760-761, 761, 761-762, 762, 764, 768, 768-769, 769, 774, 786, 791, 796, 802, 803, 825, 828, 828-829-830, 830, 842, 853, 872-873-874, 874-875-876, 877, 881, 888-889, 889-890, 890, 891, 891-892-893-894-895, 900, 901, 906, 907-908, 909, 912, 913, 956, 961-962, 971, 975, 989, 990.

Bureau, Jacques Olivier, 386, 402, 405, 462, 491, 494, 557, 631, 645, 753, 754-755, 755, 756.

Burton, Francis H.

C

Cameron, John Hillyard, 356, 357, 361-362, 362, 365, 367, 374, 374-375, 375, 381, 383, 384, 386, 388, 390, 396, 398, 399, 400, 402, 411, 412, 413, 418, 419, 421, 427, 430, 432, 433, 451-452, 454, 455, 486, 753, 798-799, 799, 802, 810-811, 848, 852, 854, 881, 931, 936-937-938-939-940-941-942, 957, 960.

Cartier, Georges Etienne, 352, 365, 377, 384, 387, 388, 396, 400, 410, 411, 412-413, 413, 417, 422, 502, 509, 523, 574, 575, 587-588, 607, 632, 665, 693, 694, 695, 696-697, 697, 699, 725-726, 795, 834, 834-835, 835, 877.

Casault, Louis Eldemar Napoléon, 427, 449, 461, 468, 603, 756.

Cauchon, Joseph Edouard, 351, 378, 381, 399, 410, 413, 427, 439, 453, 454, 466-467, 468, 478, 481, 485, 486, 505, 535, 542, 544, 559, 562, 567, 610-611, 611, 612, 672, 675, 682, 701, 723, 753, 804, 828, 831, 916, 950, 970, 986-987, 987.

- Cayley, William, 494, 513, 538, 551, 552, 554, 577, 578, 593-594, 654-655, 655-656-657, 657, 665-666, 667-668, 670-671, 672, 682, 694, 713, 741-742, 742, 753, 755, 756, 773, 775, 779, 786, 795, 797, 826, 839, 864-865, 882, 891, 906, 972.
- Chabot, Jean, 354, 365, 375, 378-379, 392, 400, 405, 429, 432, 442-443, 447, 448, 449, 456, 466, 472, 482f, 554, 569-570, 590, 606, 618, 619, 630, 643, 677, 843, 960, 978.
- Chapaïs, Jean Charles, 389, 554, 812-813-814, 847, 984.
- Chauveau, Pierre Joseph Olivier, 354, 355, 365, 395, 400, 414-415, 427, 431, 431-432, 432, 435, 441, 449, 451, 456, 458f, 464, 464-465, 465, 466, 467, 469, 485, 513, 524, 539, 541, 551, 562, 575, 604, 731, 750, 767, 789, 791, 816, 828, 854, 876, 900, 973, 974, 980, 982, 989, 990.
- Chisholm, George King, 583, 589, 620, 620-621, 621, 628, 633, 653, 710, 711, 742.
- Church, Basil Rorison, 397, 553, 633, 928, 932.
- Clarke, William, 351, 357, 384, 570, 673, 710, 738, 765, 903.
- Cook, Ephraim.
- Cooke, Alanson, 381, 407, 933.
- Crawford, George, 373, 388, 391, 401, 410, 411, 434, 447, 461, 468, 498, 513, 531, 558, 578, 596, 628, 710, 753.
- Crysler, John Pliny.
- D
- Daly, Thomas Mayne, 352, 358, 389, 513, 521, 544, 554, 676, 848, 970.
- Daoust, Charles, 357, 369, 399, 403, 427, 462, 562, 619, 632, 793, 824.
- Daoust, Jean Baptiste, 559, 628, 753.
- Darche, Noel, 351, 357, 386, 461, 494, 554, 562, 682, 710, 822, 887, 928, 984.
- Delong, Jesse, 521, 558, 583.
- Desaulniers, Louis Léon Lesieur, 682, 756, 932.
- DeWitt, Jacob, 395, 420, 440, 464, 557, 606-607, 629, 642, 652, 692, 694, 763, 803-804, 806, 816, 831-832, 872, 980.
- Dionne, Benjamin, 491.
- Dorion, Antoine Aimé, 351, 366, 367, 381, 399, 461, 466, 472, 473, 504, 505, 507, 511, 513, 523, 525, 532, 533, 538-539, 545, 553, 557, 562, 574, 575, 584, 587, 599, 603, 606, 613-614, 614, 615-616, 618, 632, 651, 652, 671, 712, 715-716, 755, 756, 765, 791, 793, 796, 822, 826, 860, 865-866-867-868-869-870, 870, 871, 871-872, 906, 907, 909, 910, 914, 914-915, 916, 928, 975, 975-976, 979, 988, 988-989, 990.
- Dorion, Jean Baptiste Eric, 405, 407, 438-439, 447-448, 448, 491, 495, 514, 515, 567, 583, 627, 630, 632, 642-643, 682, 689-690-691, 693, 712, 713, 766, 795, 808-809, 970, 981-982, 982-983.
- Dostaler, Pierre Eustache, 447, 682, 822.

Drummond, Lewis Thomas, 363, 365, 365-366, 366, 367, 369, 374, 375, 378, 381, 390, 489, 572, 589, 593, 616, 616-617, 619, 620, 631, 632, 636, 637, 643, 645, 652, 672, 687-688, 705, 755, 757, 769, 855-856-857-858-859-860, 860-861, 870, 871, 881, 882-883, 915-916, 979, 988, 989, 990.

Dufresne, Joseph, 388, 401, 403, 416-417, 435, 440, 448-449, 523, 572, 630, 631, 632, 809, 911-912, 932, 960.

E

Egan, John, 391, 427, 447, 567, 847, 854.

F

Felton, William Locker Pickmore, 365, 367, 368, 381, 388, 389, 417, 433, 435-436, 437, 437-438, 439, 441, 444f, 446f, 461, 472, 486, 495, 496, 506, 509, 521, 578, 603, 688, 693, 710, 711, 712, 756, 777, 799-800-801, 801, 802, 816, 853, 872, 900, 983.

Fergusson, Adam Johnston, 374, 427, 486, 553, 567, 753, 823, 928.

Ferres, James Moir, 364, 381, 400, 461, 464, 478-479, 507, 523, 542-543, 562, 570, 573, 574, 575, 577, 584, 587, 588, 595, 596, 611-612, 612-613, 613, 651, 662-663-664, 664, 667, 668, 675, 675-676, 693, 726, 776-777, 786, 791, 822, 824, 826-827, 834, 837-838, 840, 854, 919, 959-960, 984-985.

Ferrie, Robert, 358, 475, 486, 523, 559, 577, 614, 627, 676, 756, 757, 776, 810, 985.

Flint, Billa, 389, 405, 728, 750, 753, 766, 778, 779, 786, 847, 904-905, 905-906.

Foley, Michael Hamilton, 475-476, 476, 476-477, 486, 559, 562, 569, 575, 602, 603, 613, 632, 639, 641, 641-642, 643, 665, 670, 675, 693, 694, 695, 705, 726, 727, 766-767, 767, 797, 840, 848, 900-901, 901, 902, 959, 964, 987-988,

Fortier, Octave C., 603?

Fortier, Thomas, 388, 389, 417, 461, 524, 553, 567, 568, 603?, 693, 696, 932.

Fournier, Charles François, 381, 491, 697, 751, 887, 928.

Frazer, John, 364, 365, 387, 395, 397, 427, 432, 452-453, 461, 464, 472, 554, 685, 710, 756, 786, 816, 928, 962, 970.

Freeman, Samuel Black, 367, 375, 381, 397, 400, 412, 419, 420, 461, 472, 486, 509-510, 510, 511, 547f, 704, 710, 727-728, 774, 810, 898-899, 899-900, 901, 985.

G

Galt, Alexander Tilloch, 398, 405, 412, 461, 491, 509, 535-536, 536, 537-538, 539-540, 553, 559, 563, 567, 596, 629, 643, 653, 661-662, 671, 672, 961, 983.

Gamble, John William, 711, 720-721, 721, 724, 743, 753, 754, 822, 889, 951-952, 952-953, 960.

Gill, Ignace, 461, 522, 559, 753.

Gould, Joseph, 553, 571, 616, 711, 911.

Guévremont, Jean Baptiste, 461, 628, 651.

H

- Hartman, Joseph, 355, 365, 373, 375, 384, 387, 410, 427, 447, 464, 506, 511, 512, 521, 522, 557, 568, 568-569, 571, 574, 575, 605, 614, 627, 676, 711, 751, 756, 788, 791, 801, 815, 839, 903-904, 970.
- Hincks, Francis, 466, 471, 476, 477, 479, 491, 497, 499, 500-501, 501, 501-502, 505, 508, 510, 510-511, 511, 512, 520f, 523, 532, 533, 534, 535, 538, 540, 547 f, 552, 553, 567, 588, 588-589, 589, 594-595, 595, 595-596, 596, 603, 604, 608, 609, 609-610, 610, 614, 629, 636, 638, 638-639, 639, 640, 641, 642, 658-659, 659-660-661, 662, 664, 666-667, 667, 668, 669, 671, 688-689, 697, 698, 699, 701, 701-702, 702-703, 711, 743, 743-744, 754, 769, 771, 773, 773-774, 774, 786, 793, 802, 804-805, 805-806, 816, 832-833, 833-834, 835, 839, 842, 847, 902-903, 905, 909, 961, 986.
- Holton, Luther Hamilton, 395, 398, 409, 453, 454, 461, 464, 542, 578, 616, 627, 629, 653, 653-654, 655, 667, 672, 676, 786, 789, 793, 847, 887, 909, 919-920, 920, 932, 933, 990.
- Huot, Pierre Gabriel, 559, 575, 756.

J

- Jackson, George, 447, 603, 756, 808, 881, 882.
- Jobin, Joseph Hilarion, 351, 440, 460, 465, 468, 497, 553, 572, 573, 600, 610, 620, 632, 705, 756, 793, 850, 881.

L

- Labelle, Pierre, 521, 633, 815-816.
- Laberge, Charles Joseph, 367, 381, 389, 391, 467, 486, 521, 562, 572, 645, 672, 756, 811-812, 824, 854, 876, 876-877, 881, 913, 970.
- Langton, John, 372, 373, 374, 375, 382, 388, 398, 406, 407, 410, 416, 429, 434, 447, 449, 461, 464, 467, 468, 485, 494, 505, 522, 532, 562, 567, 601, 615, 629, 673, 677, 719-720, 792, 796, 814, 823, 826, 842, 887, 898, 962, 964, 971-972.
- Laporte, Joseph, 461, 467, 559.
- Larwill, Edwin, 369, 373, 387, 427, 452, 474, 544, 559-560, 560, 569, 583, 621, 633, 682, 694, 716-717, 717-718, 729, 803, 840, 956.
- LeBoutillier, John, 753.
- Lemieux, François Xavier, 389, 399, 412, 415, 433, 462, 495, 513, 521, 534, 562, 567, 573, 604, 651, 693, 750, 793, 847, 970.
- Loranger, Thomas Jean Jacques, 351, 363, 399, 467, 485, 486, 506, 507, 507-508, 767, 796, 797, 835, 836, 853, 854, 865, 913, 932, 950, 950-951, 984.
- Lumsden, John MacVeigh, 970.
- Lyon, George Byron.

M

- MacBeth, George, 521, 560, 855.

- Macdonald, J.A., 491, 503, 503-504, 504, 506, 507, 509, 512-513, 513, 528-529, 529, 529-530-531, 547f, 560, 568, 569, 571, 572, 576, 584-585-586, 589, 591, 597f, 620, 621, 646, 666, 670, 694-695, 695, 704, 713, 713-714, 735, 738, 757, 763-764, 764, 766, 796, 798, 802, 825, 830, 830-831, 841-842, 842, 881, 888, 890, 890-891, 891, 895-896-897, 901, 907, 933, 942, 942-943-944-945-946, 970, 971, 972, 989, 990.
- Macdonald, J.S., 355, 358-359, 363, 366, 367, 372, 375, 387, 396, 400, 401, 409, 411, 418, 419, 422, 427, 429, 430, 431, 433, 440-441, 441, 449, 453, 453-454, 455, 460, 464, 465-466, 467, 475, 476, 486, 489, 491, 502, 502-503, 512, 524-525, 525, 526, 529, 532, 542, 544, 550-551, 552, 562, 567, 569, 573, 574, 575, 578, 581f, 583, 589, 592, 593, 595, 607-608, 610, 615, 621, 640, 641, 652, 854.
- Mackenzie, William Lyon, 356, 358, 360, 361, 362, 364, 364-365, 365, 368, 368-369, 373, 377, 387, 390, 391, 398-399, 400, 405, 408, 408-409, 409, 413-414, 415, 421, 422, 422-423, 423, 427, 429, 430, 432, 433, 436-437, 437, 441, 454, 467, 468, 469, 471, 472, 473, 475, 479-480, 494, 497, 497-498, 498, 498-499, 499, 500, 501, 506, 507, 513, 514, 534, 557, 603, 608, 631-632, 632, 633-634, 635, 642, 643, 646, 694, 704, 752, 759-760, 760, 770, 771, 775-776, 786, 792, 793, 794-795, 795, 802, 805, 806-807, 816, 820f, 839, 840, 841, 880, 880-881, 881, 882, 914, 919, 928, 942, 954-955-956, 974.
- MacNab, Allan Napier, 471, 475, 476, 486, 488, 489, 499, 499-500, 500, 505, 512, 514, 525, 525-526, 526, 531-532, 536, 537, 538, 552, 553, 558, 560, 562, 577, 578, 591-592, 592, 593, 601, 603, 629, 634, 639, 643, 652, 682, 685, 694, 711, 726, 727, 736, 736-737, 742, 750, 752, 758, 760, 761, 771, 786, 802, 803, 825, 874, 879, 881, 899, 906-907, 920, 953-954, 964, 972, 991.
- Marchildon, Thomas, 369, 376, 377, 395, 415, 422, 452, 472, 511, 542, 573, 646, 727, 815, 840, 843, 978.
- Masson, Luc Hyacinthe, 351, 447, 449, 464, 466, 467, 559, 693, 811, 816, 840, 843, 847, 878-879, 976.
- Matheson, Donald, 405, 486, 521, 599, 628, 786, 822, 970.
- Mattice, William, 351, 523, 753, 770, 928.
- McCann, Henry Wellesly, 359, 369, 397, 521, 853.
- McDonald, Roderick, 365, 384, 397, 521, 526, 823.
- McKerlie, Daniel, 352, 468, 543, 570, 642, 672, 694, 711, 712, 742, 742-743, 743, 775, 777, 801, 816, 841.
- Meagher, John, 753.
- Merritt, William Hamilton, 351, 357, 359, 372, 377, 387, 405, 407, 411, 415, 422, 429, 432, 439, 452, 454, 460, 471, 486, 491, 496, 516f, 523, 524, 533, 534, 556, 563-564, 564-565, 567, 568, 569, 586-587, 589, 632, 641, 651, 657-658, 671, 704, 753, 756, 771-772-773, 773, 774, 777-778, 815, 839, 887, 932.
- Mongenais, Jean Baptiste, 456, 486, 816, 823, 877-878, 933, 987.
- Morin, Augustin Norbert, 358, 360, 361, 369, 374, 377, 380f, 384, 385, 396, 409, 413, 422, 429, 432, 439, 461, 465, 475, 476, 481, 488, 489, 497, 505, 514, 515, 524, 534-535, 562, 563, 565-566, 567, 573, 574, 577-578, 587, 599, 603, 604, 607, 620, 629, 631, 689, 696, 712, 752, 759, 760, 761, 762, 768, 771, 786, 799, 801, 802, 811, 816, 823, 824, 825, 826, 827-828, 828, 830, 839, 843, 881, 918, 920, 928, 935-936, 951, 952, 964.

Morrison, Angus, 710.

Morrison, Joseph Curran, 359, 367, 372, 375, 397, 398, 399, 405, 408, 410, 429, 471, 621, 651, 711, 752, 753, 789, 853, 970.

Munro, Henry, 583, 887.

Murney, Edmund, 359, 461, 496, 506, 506-507, 513, 526-527-528, 528, 529, 531, 547f, 583, 640, 684, 714-715, 724-725, 728, 736, 737, 738, 848, 933, 964.

N

Niles, William E., 491, 521.

O

O'Farrell, John, 365, 409, 438, 471-472, 729, 786, 811, 838, 840.

P

Papin, Joseph, 351, 360, 365, 377-378, 381, 400-401, 423, 466, 472, 540-541, 541-542, 542, 548f, 554, 574, 617, 618, 629, 630, 632, 673, 713, 726, 750, 762-763, 769, 836-837, 854, 861-862-863-864, 911, 912, 913, 925f.

Patrick, William, 358, 359, 491, 521, 553, 584, 602, 627, 887, 970, 971, 972.

Polette, Antoine, 372, 447, 491, 494, 522, 559, 601, 628, 652, 684, 710, 788, 847, 854.

Poulin, Joseph Napoléon, 395, 453, 467, 559, 575, 603, 753, 976-977-978.

Pouliot, Barthelemy, 373, 381, 384, 385, 386, 449, 469, 495, 559, 613, 629, 807-808, 916.

Powell, William Frederick, 359, 368, 376, 377, 378, 381, 401, 415-416, 418, 418-419, 420, 430, 431, 438, 453, 461, 544, 552, 715, 728, 729, 811, 888, 961, 962, 964.

Prévost, Gédéon Mélasippe, 376, 386, 396, 410, 435, 495, 559, 572, 573, 574, 604, 614, 619, 673, 710, 824, 887.

R

Rankin, Arthur, 599, 811, 837, 888, 932, 969f.

Rhodes, William, 374, 384, 402, 442, 452, 559, 563, 719, 728, 832, 854, 882, 883, 933-934-935, 936, 964.

Robinson, William Benjamin, 363, 383, 387, 513, 628, 671, 685, 688, 714, 721, 722-723, 727, 737, 737-738, 753, 773, 798, 887, 914, 932, 946-947, 950, 957, 970, 991.

Roblin, David, 447, 628, 641, 704, 798.

Rolph, John, 374, 397, 423, 567.

Ross, Dunbar, 359, 368, 389, 401, 402, 405, 408, 462, 486, 491, 495, 554, 570, 576, 692, 693, 695, 803, 825, 832.

Ross, James, 523, 808, 822.

S

Sanborn, John Sewell, 372, 460, 461, 464, 508, 508-509, 509, 521, 523, 559, 567, 603, 686-687, 691, 693, 694, 777, 806, 816, 911, 928, 979, 990.

Scatcherd, John, 386, 447, 461, 520f, 553, 641, 645, 762, 769.

Shaw, James, 531, 627, 961, 962.

Sicotte, Louis Victor, 351, 372, 395, 405, 426, 429, 447, 459, 460, 485, 503, 506, 512, 513, 534, 544, 550, 562, 575, 583, 584, 599, 627, 642, 651, 670, 675, 682, 709, 710, 714, 727, 736, 738, 759, 786, 797, 802, 847, 914, 928, 971, 972, 975, 990.

Smith, Henry, 469, 475, 495-496, 496, 505-506, 513, 528, 542, 545, 558, 564, 566-567, 568, 569, 573, 632, 641, 669, 670, 676, 684, 685, 692-693, 704, 711, 712, 723-724, 724, 735, 755, 765-766, 804, 814, 816, 841, 842, 879, 918, 932, 970.

Smith, James, 359, 373, 375, 384, 390, 391, 486, 590, 593, 933, 959.

Smith, Sidney, 375, 513, 543-544, 553, 569, 577, 597f, 602, 616, 632, 642, 645, 645-646, 646, 671, 682, 684, 685, 726, 767-768, 768, 791, 797-798, 798, 804, 824, 840, 916, 932, 956, 957, 957-958, 964, 984.

Somerville, Robert Brown, 559, 682, 855.

Southwick, George, 373, 381, 387, 407, 462, 544, 562, 570, 599, 682.

Spence, Robert, 750, 766, 815, 947-948-949-950, 985-986.

Stevenson, David Barker, 351, 388, 390, 399, 417, 440, 477-478, 478, 480-481, 521, 523, 557, 629, 693-694, 788, 928, 931, 932.

T

Taché, Joseph Charles, 374, 397, 524, 562, 627, 751, 753, 756, 854, 964, 970.

Terrill, Timothy Lee, 486, 521, 559, 672, 774-775, 847, 854, 932, 975, 979, 990.

Thibaudeau, Joseph Elie, 369, 384, 469, 478, 524, 577, 693, 750, 847, 879, 913, 964, 978.

Turcotte, Joseph Edouard, 495, 691-692, 766, 833, 835, 853, 865, 912, 913.

V

Valois, Michel François, 374, 381, 397, 468, 676, 711.

W

Whitney, Hannibal Hodges, 786, 822.

Wilson, John.

Wright, Amos, 397, 447, 462, 485, 682, 759, 847.

Y

Yeilding, Agar, 786, 797.

Young, John, 365, 395, 398, 407, 427, 447, 448, 450, 450-451, 453, 454, 523, 553, 559, 594, 599, 662, 750, 751, 771, 776, 847, 854, 919, 928, 932.

ERRATA

Proper Names Index for Volume XII, Fifth Parliament, First Session, First Part, for the period of 5th to 23rd September 1854 inclusive should read one page number previous to pages indicated, from 234 to 298 inclusive. Ex.: Page 234 should read page 233, etc.

3 1761 11465290 2

